

**INSIDE: CANADA'S NEWSPAPER WARS**

# Maclean's

FEBRUARY 8, 1988

CANADA'S WEEKLY NEWSMAGAZINE

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## ABORTION

Why The  
Supreme Court  
Threw Out  
The Law

The Critical  
Choices Ahead

Dr. Henry  
Morgentaler



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CANADA'S WEEKLY NEWSMAGAZINE

## Maclean's

FEBRUARY 6, 1989, VOL. 181 NO. 1

### COVER

#### Abortion: striking down the law

In a landmark decision, the Supreme Court of Canada declared the nation's abortion law unconstitutional. It was a stunning victory for Dr. Henry Morgentaler, who had fought the law for 18 years. Pro-life activists celebrated the sweeping verdict, but Canada's anti-abortion movement vowed to challenge it. — **Page 8**

CONSTITUTIONAL ACT AND CHARTER



Canada's newspaper wars  
Major media corporations are girding for newspaper wars in key Canadian cities in a series of contests to win readers, solicit advertisers and gain revenue. — **Page 40**



A combative new Bush  
U.S. Vice-President George Bush, looking back live at CBS Evening News anchor Don Baker, shed his "wimp" image, boosting his chances in the Iowa vote. — **Page 29**



Breaking point for a broker  
Assets belonging to former Oshin Inc. chairman Jean-Louis Gaudet were placed in receivership last week as a securities inquiry into the firm's collapse widened. — **Page 28**

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The stuff of dreams  
Actress Juliette Bouché had problems with her new movie. But the love scenes with Daniel Day-Lewis were not among them. "We dreamed about them," she said. — **Page 35**





## GRAPHIC ARTS



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## FOLLOW-UP

### A five-year penalty call

He arrived in Canada in 1981, a sports hero. But Czechoslovakian hockey legend Jiri Bubla, currently serving a five-year prison sentence in Austria for smuggling heroin, now says that he feels like an outcast. Bubla, 38, who became a symbol of defiance as one of only two Eastern Bloc hockey players permitted by their government to join a Canadian team, enjoyed five years of celebrity as a defenceman for the Vancouver Canucks before he retired in 1986. He told *Maclean's* recently from his Vienna prison cell, "The way down mentally, and every day is here seems like a year."

Bubla's arrival in 1981 at age 21—with Ivan Hlinka, another Czech player also hired by the Canucks—was in marked contrast to the clean-cut, rugged image of previous hockey defencemen. His \$100,000-a-year salary gave Bubla a lifestyle that has conquistadors might envy. In 256 games played, the defenceman accumulated a respectable 17 goals and 102 assists. Then, when the Canucks declined to renew Bubla's contract in 1986, they asked him to sign as an unrestricted free agent. Bubla, described by associates as a quiet, devoted family man, continued to live in Vancouver with his wife, Evana, and their two sons, aged 7 and 10. He compensated his mounting income, he told *Maclean's*, with the import and export of Austrian crystal and other items.

But Bubla's world shattered on April 17 when, while in Vienna to attend the World Hockey Association championship, he was arrested for the smuggling and distribution of \$2 million worth of heroin. The trial to Bubla began with an overdose death in Austria two months earlier of a 26-year-old Austrian man. While investigating the case, police questioned known smuggler and Czech-Canadian Josef Janda, 47, also of Vancouver. Janda in turn identified Bubla—whose police record had previously been clear—as his accomplice in a parking smuggling operation.

The consequences for Bubla and his

family have been devastating. A five-year jail sentence is to be imposed by three months if Bubla cannot pay an additional \$35,000 fine. And after his time is served, Bubla, still a Czechoslovakian citizen, may not be able to return to Canada because of his conviction. In fact, Bubla's family may eventually be deported, and it is unlikely that the Bublas will be able to return to their homeland. During Bubla's trial the official Czechoslovakian press was extremely critical of the former hockey



Bubla in 1982: \$2 million in heroin and a bleak future

player—a sure sign of official disapproval. Indeed, the Bublas may well end up in Austria as stateless people.

It may have been family concern, according to Austrian Police Insp. Josef Janak, that drove Bubla to crime. According to Janak, Bubla received \$80,000 of his own savings in the operation, attracted by the promise of easy money. "He thought he was helping his family," Janak said. Meanwhile, Austrian prison officials have described Bubla as a model prisoner. The former hockey player is also co-operating with authorities in the worldwide search for a half-dozen other members of the Janda drug-smuggling ring. Tragically for Bubla, the drug-smuggling game was a losing one.

—JOHN ELLAND with REX MAESTRINI in VIENNA

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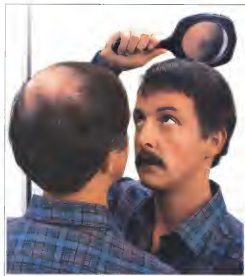
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# If you are facing baldness

# you should know the facts.



Everyone loses some hair every day. In fact, each day about 100 strands are lost. These strands are replaced by new growth—a process considered to be natural and healthy.

Hair loss only becomes a problem when the strands being lost exceed the rate of regrowth. This is when you're likely to lose progressive hair loss, or baldness.

It can take considerable time, however, until you notice signs of baldness. You may actually lose more than 50% of your hair before the loss becomes apparent.

#### **What is the most common type of baldness?**

If you are experiencing progressive hair loss, you may be experiencing hereditary "male pattern baldness"—the most common type of baldness among men.

However, this should be determined by a physician, not yourself! Only your doctor has the necessary expertise to make an accurate diagnosis. If you are indeed facing male pattern baldness, your doctor

can assess whether you could benefit from new treatment programs for baldness.

#### **How has baldness been treated?**

The on-going concern over baldness among many men has given rise to the use of wigs and wigs. Many cosmetic approaches such as hair weaving and surgical techniques including hair transplantation have also been developed.

As well, various scalp preparations have been made available. Although none have ever been proven effective, the advertising of such products has led consumers to believe that they are scientifically documented and medically approved remedies for baldness.

#### **How can your doctor treat baldness?**

As your physician can tell you, many of the treatments used in the past have not been effective.

In more recent years, new treatment programs for common baldness have been developed. These programs have been tested by doctors, and have shown good

results. Moreover, they are available only through the medical profession.

Since everyone's scalp and hair growth potential is different, your doctor will consider a number of factors before recommending any new treatment program. In determining whether a treatment program might be of value to you, factors such as your age and the time over which you've been balding must be considered.

#### **Why you should talk to your doctor.**

Now that you're aware of some of the factors affecting hair loss and the new treatment programs, you should be aware of the importance of seeking professional advice.

Only your doctor, through careful evaluation of your particular circumstances, can determine whether a treatment program may be of benefit to you.

So if you are concerned about hair loss, do consult your doctor. Together you'll be able to decide what's best for you.

If you are facing baldness, talk to your doctor.



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## What makes news at the CBC

By Barbara Amiel

The decision announced by Florence MacLellan to postpone the CBC all-news channel was greeted, not unexpectedly, by displeasure in the national press. "Others have nothing but a crude political excuse for its intransigence against the CBC's all-news television licence," said *The Globe and Mail*, as if announcing a decision of Treasury Board whomey. Other commentators, such as the *Norfolk* and *Star*, saw it as a catastrophe. In fact, Caplan told Michael Enright on CBC Radio's *As It Happens* that this was a dark day for Canadians.

I didn't see it as a dark day at all, but as to the need for an all-news channel my own feelings are mixed. I have increasingly felt that if Canadians want a 24-hour news channel, they ought to be able to have it and let whatever else provide it. My own instinct is that, in fact, a 24-hour news channel is the last thing we need, if by an all-news channel we mean the superficial mix of three-minute "news-at-a-glance" features and pop public-affairs interviews endlessly recycled. Canadians, I have always believed, desperately need in-depth news analysis.

As for the CBC, again one has mixed feelings. A lot of the work it does is very good. What private broadcaster would spend the money and effort on the sort of cultural specials that we have come to expect? But one must be realistic and face the facts. When it comes to news and public affairs broadcasting, the CBC has 30-35 per cent in arrears. It is a difficult matter, of course, to prove. One can point to studies like that done at the University of Calgary or the brief prepared by the committee for fairness in broadcasting that was presented to the CBC. Both are a good deal of data, but I am still reluctant to proceed from this kind of approach. So often, it is not what is said on air, but what isn't. Those of us who are reasonably practised in journalism know that distraction can begin most effectively by excluding subjects, quotes or commentators from a schedule, rather than falsifying a subject. In fact, I have just received a rather good example of how the CBC does this.

Last fall the *50th* estate showed anti-documentary on Afghanistan. The film footage was not original, it had been purchased by the *50th* estate from Thames Television in London by selective editing, to turn a reasonably objective piece on Afghanistan into what seems to me to be little short of an anti-American, pro-Soviet piece of propaganda.

The *50th* estate provided its own script, which was by Eric Mallory, although the same interviews and footage were used. The CBC show spread with Mallory telling audiences "There was something different on Soviet television last month. It was a photo-in show. People called in to argue and to criticize their country's role in the war in Afghanistan. And there's something else new too. Chairman Gorbachev's attitude to the war. He called it a 'bleeding wound' and says he wants out. It began eight years ago, a quiet little war at first. For the Russians, though, it has become something like Vietnam was for the Americans. And it's getting worse—1987 has seen the heaviest fighting yet."

It is a disaster for fair and balanced programming to let the CBC have the licence for the 24-hour all-news network.

The threat of the CBC show was that this "quiet little war," in which hundreds of thousands of Afghans had been maimed and murdered by the Soviets, had only now become a reality because the Americans were giving the Mujaheddin American Stinger and British Blowpipe missiles.

Unlike the Thames show, there was barely any sympathy for the plight of Afghanistan, merely that for eight years had virtually remained the Soviet troops entirely on its own—only a sort of war zone that now it was a client of America and there was no mission, as there was in the Thames show, that Saudi Arabia has been helping the Afghans. There even seemed to be a certain note of sympathy toward British Prime Minister Margaret Thatcher who, as Eric Mallory said, "certainly backs the rebel cause and earlier in the war even came to the Khyber Pass to show her support." Clearly, this approach was not shared by Mallory, who seemed to see the whole exercise as simply a means to improve British arms sales.

"I want to say that the hearts of the free world are with you," said Margaret Thatcher sternly. The CBC's response to her rhetoric was to cut to the statement that the CBC was now gaining arms purchases from the British. "British missiles, paid for by the Americans," he said, "into the hands of the Soviets." There is a change of the balance of the war all right, but will this send the Soviets packing or just dig them deeper in? There was little doubt what Mallory believed. According to Mallory, the Soviets "went out there in the name of a government of national reconciliation," but these vehicles may force them to stay and fight.

Mallory and the *50th* estate may have special reasons, of course, but many experts in the field (who were not represented on the program) think that Afghanistan is the one and only point on which Gorbachev's sincerity can really be tested. "If Gorbachev does want to withdraw unconditionally," Henry Kissinger told me last week, "in such a way that there can be genuine elections then the fundamentalists will form the government, then he is honest. But a 'government of national reconciliation' means, in all likelihood, simply a Soviet puppet regime."

Interestingly, the original Thames script, while by no means entirely favourable to the Americans, gave a vastly different view of the situation. Unlike the CBC, it saw the need for supplying the missiles in order to bring the Soviets to the bargaining table. Experts, after expert and that it was the only way to help the Afghan resistance survive. At the end of the Thames show, Selig Harrison from the Carnegie Endowment for International Peace was asked if he thought it was militarily necessary to have given the Stinger missiles to the resistance. He replied, Harrison had doubts about the political motives of the Americans, but as to the military imperative, he had none. "I think there wasn't any question that this was the Achilles heel of the resistance." This remark, along with similar comments, never appeared as the car show.

In England, the show was thought by many commentators to be too "left" on the Soviets. I think it is true that Canadians were up to what "left" means really means and denied that whatever the military government's reasons for joining the CBC the new show, it would be a disaster for fair and balanced programming to give it to them.



# ABORTION

The staff members at Toronto's Morgentaler Clinic were hoping for victory—but bowed for defeat. When they learned last week that the Supreme Court of Canada had ruled that the federal abortion law was unconstitutional, the women leaped with startled joy, hugging each other and cheering. They put bottles of champagne into a tiny freezer to toast clinic owner Dr. Henry Morgentaler's victory against charges of conspiracy to procure illegal abortions. They congratulated Morgentaler's companion, Arlene Leibovitch, who was visiting the clinic with their three-year-old son, Benjamin Joseph, and danced triumphantly through the halls of the three-storey brick house. Then, one jubilant staff member turned to a patient reclining in an easy chair outside the third-floor operating room. "Do you know," she asked, "that you have just had the first legal abortion in this country."

The implications of that simple question were staggering. In a 5-4 ruling, the Supreme Court in Ottawa had declared that Canada's abortion law was unconstitutional because it violated a woman's right to "life, liberty and security of the person." The decision immediately wiped the abortion law off the books—making abortion a private matter between a woman and her doctor. It put federal and provincial politicians in the uncomfortable position of having to find a new social consensus on the divisive issue. And it indicated that the highest court in the land was prepared to use the Charter of Rights and Freedoms in bold new ways. Chief Justice Brian



Morgentaler supporters celebrating at the Toronto clinic: wiping the abortion law off the books

Dickson's surprisingly tough language underscored that determination. He declared Dickson "forcing a woman by threat of criminal sanction to carry a fetus to term unless she meets certain criteria unrelated to her own priorities and aspirations is a profound interference with a woman's body."

**Paschos:** With those words, the simmering passions in the court, ever-dwindling abortion debate erupted across the nation. Even as the jubilant Morgentaler left the court with his lawyer, Morris Manning, to return to Toronto, two crowds began gathering in below-zero temperatures outside his clinic on

Toronto's Harbord Street. Clustered around the entrance, 30-year-old supporters chanted their approval of the court—and the discredited Morgentaler (page 14). Across the street, separated by watchful Toronto police officers, anti-abortion demonstrators denounced the court—and condemned the clinic staff as "murderers."

Those demonstrations reflected the moral and political chasm between the two sides. For the pro-choice groups, the decision was an affirmation that women have control over their bodies, that they cannot be forced to give birth at the government's behest. Said

Katherine Giffin, a national vice-president of the Canadian Abortion Rights Action League: "I cannot tell you when I have had a happier day. It is women who have been saying for 30 years that the decision whether to bear a child is a fundamental human right."

**Blunt:** But from the point of view of anti-abortion groups, the court's ruling was an agonizing blow that sanctioned the slaughter of human beings—and diminished society's respect for human life. These groups promptly vowed to lobby for new laws to outlaw abortion. Some threatened political reprisals if politicians did not obey. As Laura McArthur, the president of the fight-to-life Association of Toronto, maintained, "We have a long, hard road ahead of us, but we are certainly not going to back down." Added Frank Foley, executive director of the national office of Campaign Life Coalition: "We intend to pull out all the stops

There will be more danger, more picketing." And Rev. Ken Campbell, who runs the Choose Life Canada anti-abortion group next door to Morgentaler's Toronto clinic, declared, "Our commitment and our battle continue."

The effect of the Supreme Court's ruling was to broaden the extent of a woman's legal rights over her own body. It also removed the offense of abortion from the Criminal Code Section 201, passed in 1988. Had restricted abortions to accredited hospitals, and even then only in cases in which the majority of the members of a hospital's therapeutic abortion committee certified that the pregnancy was a danger to the "life or health" of the

woman. But after last week's ruling it is no longer an offense for a medical doctor to perform an abortion—or for a woman to seek one. Instead, abortion has become a medical issue concerning a woman and her doctor: a woman can now have an abortion if she can find a doctor to perform it.

**Defenses:** For the 64-year-old Morgentaler, it was the elimination of almost two decades of legal defiance, during which he had performed an estimated 33,000 abortions. Acquired by three juries in Quebec and one in Ontario, Morgentaler nonetheless spent 10 months in jail in Quebec in the mid-1970s on abortion-related charges. Indeed, before last week's ruling, doctors he had filed charges of conspiracy to pro-

simple matter. If the provinces or the federal government do introduce legislation, that legislation would, in turn, be open to constitutional challenge. Provincial health authorities oversee the practice of medicine, including the performance of abortions. But if a province passed additional regulations to control abortions, pro-choice advocates could question whether those rules protect health or simply restrict access. Potential federal restrictions must also face the court's new constitutional ruling: do they unnecessarily interfere with the charter right to "life, liberty and security of the person?"

Prodding a taste of the turmoil to come, federal Justice Minister Ray



Morgentaler after the Supreme Court decision: a moral and political chess

more illegal abortions in Ontario and Manitoba. Said Morgentaler, relishing victory after his long fight in the vanguard of the abortion debate: "There has been a tremendous step toward the enlargement of rights in Canada."

**Diagnosis:** The 500-page judgment also put the federal government in a profoundly difficult political dilemma. Among its options: draft another Criminal Code amendment to restrict abortions, or simply ignore the issue, leaving it up to the provinces to handle as a health issue (page 18). Three of the five justices who supported Morgentaler indicated that they would accept some federal restrictions on abortion—and thus some limits on a woman's rights. If Ottawa does not draft a new amendment, individual provinces could decide to regulate abortion as a health concern—instead of a Criminal Code offense.

Replacing the law would not be a

Heintzberg said that the ruling "will put an end to provincial health authoritarianism" in act. B.C. Health Minister Peter Doores promptly announced that his province's medical services plan would pay only for abortions approved by a therapeutic abortion committee within an accredited hospital—the conditions provided for under the now-scrapped legislation. In contrast, justice officials in Manitoba and Ontario dropped all outstanding charges against Morgentaler. And Ontario Attorney General Ian Scott declared that it was up to Ottawa to act if it wanted to regulate abortion.

Whatever Ottawa or the provinces decide, the issue is not likely to go away. As Campaign Life's Foley said: "This is going to be an election issue. This is going to push Meek Lake and free trade right to the back burner." In contrast, Carolyn Spagn, spokeswoman for



the Ontario Coalition for Abortion Clinics, bluntly declared that politicians must not draft another law. **Sue Kagan**, "Women will accept no new restrictions on their reproductive freedom."

**Power:** That controversy underlined the power of the Canadian Charter of Rights and Freedoms to change Canadian society. And it indicated that the Supreme Court is increasingly willing to use that power. In a 1975 decision, the Supreme Court upheld Morgentaler's conviction in the Quebec Court of Appeal for performing an illegal abortion. But last week the court made a complete about-face—citing the entrenched constitutional rights of the 1982 charter when it upheld the acquittal of Morgentaler, as well as his colleagues Dr. Leslie Seeling and Dr. Robert Scott, by an Ontario Supreme Court jury on a charge of conspiring to procure illegal abortions in the "three-in-a-row" case.

The decision startled many legal and constitutional specialists because the court has generally interpreted the charter in a more conservative fashion. "I am surprised that they went that far," said University of Toronto law professor Bernard Hodgson. "This seems to be quite a bold application of the charter." Added Wayne MacKay, a constitutional law professor at Halifax's Dalhousie University: "This sends the message that the court has the courage and the will to take on controversial issues. They are making decisions that before were left to the elected level of government."

Last week's explosive case began in 1984, when an Ontario Supreme Court jury acquitted Morgentaler, Seeling



Campbell opposes the "three-in-a-row" and bottle control

and Scott on charges of conspiring to procure illegal abortions. In 1985 the Ontario Court of Appeal overturned that acquittal—and ordered a new trial. When the case went before the Su-

preme Court in October, 1986, Morgentaler's lawyer, Merris Manning, identified seven separate constitutional challenges to the 1969 abortion law. Manning argued that the law infringed on the freedom of federal and provincial powers, and violated seven clauses of the Charter of Rights and Freedoms.

**Delays:** Much of Manning's case centred on his argument that the law created unequal access to abortion—complicated with decreasing often dangerous delays. Indeed, although Statistics Canada reported that 80,528 women had to carry a fetus to term, the breakdown ranged from 27,433 in Ontario to just 11 in Prince Edward Island. Robin Rowe, national co-ordinator for the Canadian Abortion Rights Action League, listed a history of statistics for *Weekend's* to back up her group's contention that Canadian women did not have equal access to abortion services.

In Quebec, hospitals performed abortions in 1985, only one Newfoundland hospital regularly performed abortions in 1987, and Prince Edward Island did not provide abortion services at all in

1987. Declared Rowe, "It is incredibly inequitable—and it is interesting. There are whole areas of the country that are completely without access."

Seven separate challenges then went to four separate written decisions: three upholding Morgentaler's acquittal and one objecting to it. (The remaining two justices—Gerald Le Dain and Claire L'Heureux-Dubé—did not hear the case.) In the strongest denunciation of the law, Chief Justice Dickson, supported by Mr. Justice Antonio Lamer, ruled that the abortion law contravened the charter right to "life, liberty and security of the person" because under threat of criminal sanctions it forced a woman to carry a fetus to term. The son added that the abortion law also contravened that charter right because the committee system created delays that created a "higher probability of overpopulation and greater risk." He concluded, "The argument that women facing difficulties in obtaining abortions at home can simply travel elsewhere would not be especially troubling if there were no difficulty in doing so. In large measure, created by the procedural requirements of Section 251."

**Concurrence:** Mr. Justice Jean Beetz, with the concurrence of Mr. Justice Wilfred Estey, concentrated on the procedural requirements of the law—that abortions be approved by a hospital committee. Beetz concluded that they "significantly delay prevent women's access to treatment, resulting in an additional danger to their health." Beetz acknowledged that the law was designed to protect the fetus—but he concluded that it was not a reasonable and justifiable attempt to accomplish that goal. Instead, he said that Parliament might consider a law that would put more restrictions on abortion "in the latter months of pregnancy as opposed to the early months."

Also supporting the majority decision, Madam Justice Bertha Wilson concluded that Section 251 infringed upon security of the person because "it asserts that the woman's capacity to reproduce is to be subject not to her own control, but to that of the state." She added that the law also violated the charter right to freedom of conscience because "the state here is endorsing one conscientiously held view

at the expense of another." Wilson stipulated that protection of the fetus is a "perfectly valid legislative objective." But, like Beetz, she added that Parliament should remember that the fetus has different stages of development. "The view of the fetus supports a permissive approach to abortion in

abortion can be found in Canadian law, custom or tradition, and the charter does not create such a right." He declared that the procedure required by the law was "arbitrary because Parliament did not intend to grant an abortion to every woman who wanted one. Concluded McIntyre: "Historically, there has always been a clear recognition of a public interest in the protection of the unborn."

**Conflict:** While the anti-abortionists and the pro-choice forces countered their arguments, many Canadians could only wonder at the wrenching conflicts of life. Many would likely feel great sympathy with the plea of Archbishop James Hynes, president of the Canadian Conference of Catholic Bishops, who said in Ottawa, "We need to create a society that supports life and enables children to be raised with dignity, a society that puts other people's rights and needs ahead of personal



Dickson, Wilson (below) using the charter of rights to aid new ways

the early stages, where the woman's autonomy would be absolute, and a restrictive approach in the later stages, where the state's interest in protecting the fetus would justify its prescribing conditions."

In the dissenting opinion, Mr. Justice William McIntyre, with the concurrence of Mr. Justice Gerard La Forest, declared flatly that "no right to

life and giving a society that respects human life at every stage of its development."

But many would also respond to the teaching story that Vancouver surgeon William McCallum, 76, recounted last week. In 1948 a young, unmarried woman came to him, begging for an abortion and pleading that her pregnancy would destroy her life and her family. "I refused to do it," McCallum recalled. "I was one of these people who felt she should get herself out of the mess she had got herself into. I presumed to be God." The young woman was killed, burned, a month later, her father killed himself. Thirty years later, in retirement in the Vancouver suburb of Langley, McCallum approached the Supreme Court ruling. "Now women have really come into their own," he mused. "It is no longer possible for some damned man to deny her what she should have." Between the doctor and the archbishop, there can perhaps be understanding. But there is no middle ground. And that is a dilemma that the Supreme Court is unlikely to ever resolve.



—MARY JAMMAN (top); CINDY HARRITT and MARTIN CLAY in Toronto; SARA L'AMOREUX, MARC CLARE and MICHAEL ROSE in Ottawa and correspondents' reports

## MORGENTALER'S 18-YEAR STRUGGLE

Last week's decision by the Supreme Court ended 18 years of court battles for Dr. Henry Morgentaler. During that time Morgentaler spent 10 months in jail for performing illegal abortions and was found not guilty by four juries after high-lights of his legal fight.

**June, 1970:** Police charged Morgentaler with conspiracy to perform an abortion three days after a raid on his Montreal clinic. Two other charges followed in the next few months.

**August, 1973:** Police told 13 more charges of performing abortions.

**November, 1973:** A Montreal jury acquitted Morgentaler.

**April, 1974:** The Quebec Court of

Appeal overturned that acquittal, subsequently sentencing Morgentaler to 18 months in prison.

**March, 1976:** The Supreme Court of Canada upheld the Appeal Court's ruling—and Morgentaler entered Montreal's Boreux Jail.

**June, 1978:** A second Montreal jury acquitted Morgentaler on new charges. The federal government announced an amendment to the Criminal Code to prevent an Appeal Court from reversing a jury verdict.

**January, 1979:** Morgentaler was released from jail on bail.

**September, 1979:** Morgentaler was retried in Montreal on the original charges—and again acquitted. The Quebec government later stopped ac-

knowing the federal abortion law.

**June, 1982:** One month after Morgentaler opened an abortion clinic in Winnipeg, police charged him with conspiring to procure abortions. He also opened a clinic in Toronto.

**July, 1983:** Toronto police charged Morgentaler and two other doctors from his clinic with conspiracy to perform abortions.

**November, 1984:** A Toronto jury acquitted all three doctors. It was Morgentaler's fourth acquittal on abortion charges.

**October, 1985:** The Ontario Court of Appeal upheld a Crown appeal of the acquittal and ordered that Morgentaler stand trial again.

**October, 1986:** Morgentaler appealed that decision to the Supreme Court of Canada.

**June 26, 1986:** The Supreme Court struck down Canada's abortion law

# AN UNAMBIGUOUS CALL FROM THE COURT

ESSAY

BY ANNE COLLINS

Perhaps only in defense lawyer Martin Huzar's dreams did it seem possible that the Supreme Court of Canada would actually strike down the abortion law. To others as deeply involved in the Morgentaler case, last week's decision came as a total shock. Colleagues, Dr. Robert Scott was so pessimistic about the outcome that he did not want to spend \$100 to fly to Ottawa from Toronto on Jan. 28 to hear the ruling. He said that he was sure that it would be "like paying to get kicked in the teeth." At the victory party for Morgentaler that night, the joke went around, was that Martin Justice Bertha Wilson, whose assenting judgment read in parts like a feminist manifesto, must have sent her fellow justices home to talk to their wives whenever they balked on the 16-month path to their landmark decision.

**Morgentaler:** After almost 20 years in which the government and the courts have killed the abortion law as a workable compromise between female and fetal rights, it was simply shocking to see it judged as a bad law that prevented access to abortion when it purported to allow it. And by throwing Section 253 out of the Criminal Code, the court delivered a message that, even the most dedicated anti-abortionist cannot afford to ignore. Five out of seven judges—clear majority of the court—actually ruled that the power currently vested in the therapeutic abortion committee system would be more justly put into the hands of individual women. They acknowledged that the state had a legitimate interest in protecting fetal life as a human individual prior to a pregnancy. But they also said that the current law undermined a woman's right to "life, liberty and security of the person" in its attempt to protect the fetus. And they considered as law was better than the law on the books, at least until the federal government could determine how to enact a new one that

would not sacrifice women's rights.

That is a strange way to achieve something as important as freedom of choice—but no one who endorses the judicial decision is about to quibble. Even if federal legislators do the unlikely and try to draft a new law in a probable election year, there is no going back. The law has treated women as though they were children who had to be protected from their own irresponsible impulses—and then suddenly noticed that they were all grown up. Now, the judicial door has been pried open wide enough to let the reality of women's lives enter, a reality vastly different from the one in which the judges' mothers lived.

Part of that reality is that most women need to or want to work outside the home. But no one has yet found a way of preventing childbearing and work from running on a collision course except by restricting female fertility. The anti-abortion revolution ignited by the introduction of the birth control pill means that women need no longer accept children as an inevitable consequence of heterosexual relationships. Now before they should be able to decide whether or when to have children—but they do not yet have the perfect means of preventing pregnancies. In the technological and psychological shortfall between what women need or want to do and what they are able to do, abortion has become the logical backdrop to contraception, an intrinsic part of the way that many people now think about reproduction.

Northern Gerald Emmert Cardinal Curran, the Roman Catholic Archbishop of Toronto, calling the Supreme Court decision "unthinkable" and "unprecedented" appears such an anti-abortion crusader as Joseph Berwick is going to be able to do much about that essential change. But they are intensely the pains of working through the court's decision. Morgentaler, who finally was after 18 years of fighting in the courts, is joyous with relief but he is under no illusion that the last word has been said on abortion. Now vs. Wade, the 1973 U.S. Supreme Court decision that guaranteed

a woman's right to abortion, turned out to be the red flag that recruited most U.S. anti-abortionists to their cause. The U.S. debate has since turned to trench warfare fought town by town, state by state, regulated by regulation, and U.S. Supreme Court decisions by decisions. If the balance of judges on the U.S. court shifts at the same time it does one of the many challenges to Roe vs. Wade, U.S. women could find themselves legally deprived of those rights. Such a decision would bring chaos to its wake but it would not halt abortion—it would drive it underground. The equipment that has been developed to perform safe early abortions is simple and portable, and many Americans are trained in its use.

**Threat:** French warfare of a similar sort is probably in store for Canadians shocked and dismayed by the tussling out of the old law, anti-abortionists may petition and protest for a new and tougher one. But any new law would have to be focused very carefully. As Chief Justice Brian Dickson and the Justice Antonio Laframboise wrote, "Placing a woman, by threat of criminal sanction, to carry a fetus to term unless the meets certain criteria intruded to her own priorities and aspirations, is a profound interference with a woman's body and thus an infringement of security of the person." Despite Justice Minister Ray Hnatyshyn's assurances about federal policy intentions, it is hard to imagine politicians drafting a new law when they have a chance of passing some responsibility for such a contentious issue to the provinces, the medical profession or even to women.

Any action that the government



Morgentaler supporters and opponents outside his Toronto clinic: 'life, liberty and the security of the person'

might take short of enacting a new tough law would be interpreted as the anti-abortion movement on deck. But while anti-abortionists have always been within their rights in believing that abortion is the wrong solution to unwanted pregnancy, the ethical heart of the abortion issue does not lie in deciding who is a killer and who is not. It lies in understanding responsibility for self and others. The abortion issue has been fought for so long as a contest of rights that it is hard to think about it in any other way. Its intractable nature is evident in public opinion polls. Over the years since the law was reformed, in 1969, the percentages have remained fairly constant, just under 50 per cent of Canadians say they are opposed to all abortion, roughly 25 per cent favor a

woman's right to choose, and the rest find it a tangle in which abortion seems right in some cases and wrong in others.

**Realities:** But buried in that 6-3 split category is a larger meaning that bears on the abortion debate. Four justices looked at the particular circumstances that caused women to seek abortions: from Morgentaler's clinic, and none of them was able to convict the doctor. Seven Supreme Court judges looked at the circumstances under which women seek abortions in Canada, and five of them decided it was right to overturn the law. What becomes clear from these findings is that pregnant women seldom view abortion as an abstract question of right or wrong. They struggle to make decisions in the context of their relationships to their families, to the possi-

bilities of caring for a new life, to their jobs, and sometimes to themselves.

Scott, at his "victory" press conference last week, had the grace to say that as far as he was concerned it wasn't a victory, and that he hoped people might come together to work on eliminating some of the causes of unwanted pregnancy and abortion. Interviewed on CBC's *The Journal*, Laura McArthur of Toronto, a longtime anti-abortionist, was told by host Bill Garrow that she seemed to be groping for something positive to say about the decision. McArthur replied that she had the "right to choose." If only that phrase could produce one new thought, that the way to put an end to the abortion debate is to work toward bettering the conditions under which women bear children.

Anne Collins is the author of *The Big Event*, *Abortion: The Issue That Won't Go Away*.

# A MAN WITH A MISSION

**H**is beard, glasses and hawk-nosed profile have become familiar symbols in Canada's heated debate on abortion. To his enemies, Dr. Henry Morgentaler is nothing more than a mass murderer of the unborn. At the same time, supporters for the right of women to control their own pregnancies hold him in something close to reverence. Neither perspective, however, bears much resemblance to the central figure in last week's Supreme Court decision on a doctor whom colleagues describe as an ordinary man with a good sense of humor, although one that is tinged with bitterness.

At 64, Henry Morgentaler has survived both the Nazis' attempt to exterminate Europe's Jews and the efforts of successive Canadian governments to close his abortion clinics in three cities. He has weathered two failed marriages, psychosurgery, a heart attack and neurosurgery. Although he is not wealthy, Morgentaler in recent years has been able to indulge a taste for Caribbean vacations. And last month he became a father for the fourth time. Declared Morgentaler last week: "People call me a baby killer. I'm not killing babies. I love babies."

**Murderer.** In fact, Morgentaler's latest child was born on Jan. 9 at a Toronto hospital. The boy, named Benjamin, is his first child with Anika Leberkova, a freelance translator with whom he has lived unmarried since 1986. Morgentaler was present in the delivery room and said of the experience, "I don't believe in God, but childbirth is an absolutely breathtaking miracle." And he continues to declare his respect for that miracle despite having terminated an estimated 20,000 pregnancies since 1968. Indeed, he defends the morality of abortion in part by pointing to the neglect and abuse that is frequently the result of unwanted babies. "60% of the gratifying," he told *Macleod's* last week, "is when women who have had abortions in my clinic have children later, when they can provide nurturing, love and care for them."

Many of his friends and opponents trace Morgentaler's evolution to an unwanted child: even and aggressive social activist to his own childhood life he was born in 1903 in Lodz, Poland, the eldest son of Josef Morgentaler, a declared atheist and a glib leader in



Defence lawyer Morris Manning, Morgentaler, prison, a heart attack and vindication

that city's textile industry. But Morgentaler has said that he felt unloved by his mother, Golda. Referred Morgentaler last week: "The desire for social justice was, in practice, the religion in which I grew up." That desire was intensified by the ghetto murder of Josef Morgentaler shortly after German armies occupied Poland in 1939. And in 1944 the city's remaining Jews, including Morgentaler's family, were shipped to the Auschwitz death

camp. Golda Morgentaler died there, her two sons survived.

Morgentaler emerged from the Holocaust determined to serve his father's ideals. Referred his brother, Michael, a Montreal business consultant: "Our experience gave Henry a very strong will to eliminate inhumanity. He does not want to see suffering." And after Henry married his childhood sweetheart, Lodz-born writer Chava Rosenfarb, that goal led him to

study medicine, first in West Germany and later in Canada at the University of Montreal. In 1963 he became a doctor and opened a practice in Montreal.

**Rights.** In the early years he did not perform abortions. But in 1967 Morgentaler's beliefs led him to appear before a parliamentary committee studying Canada's abortion laws. There, he laid out that abortion should be seen "not as a privilege but as a right." These widely reported remarks resulted in a series of telephone calls to his Montreal general practice clinic from women seeking abortions. Recalled Morgentaler: "I was trapped in my own rhetoric. It wasn't enough to say the law should be changed. I felt it was my duty as a doctor to provide help, despite the risks." Shortly after his parliamentary committee appearance Henry Morgentaler performed his first abortion.

Still, Montreal police did not mind his abortion clinic until June, 1970, an incident that was followed by a six-year saga of highly publicized trials and appeals. And in pursuit of his goal to reform Canada's abortion laws, Morgentaler's tactics were sometimes unseasonably provocative. In the wake of an incident in 1973, when he allowed a television crew to film an abortion for broadcast on *Master's Day*, Quebec officials laid fresh charges against him. And while three juries eventually acquitted Morgentaler of performing illegal abortions, he was fined for 30 months in 1975 when the Quebec Court of Appeal overturned one of those verdicts. But in 1976 the Parti Québécois provincial government which took office that November barred any further prosecutions by declaring that the federal Criminal Code's anti-abortion provisions were unworkable. By 1980 the Quebec government had created a network of abortion clinics throughout the province—and hired Morgentaler to train abortionists.

Morgentaler paid a high price for his beliefs: he suffered a heart attack in prison and was \$100,000 in debt when the Quebec prosecutions ended. In addition, his marriage to Chava had disintegrated, and the breakup strained relations between the physician and his daughter Golda—now a University of Montreal professor of Yiddish—and his daughter son Rame, who practices as a urologist in Boston. Exhausted, Morgentaler largely

withdrew from the abortion debate after 1976.

He re-entered the fray in 1982. By then Quebec clinics were offering something close to abortion-on-demand. But elsewhere in Canada, a resurgent anti-abortion lobby had persuaded a growing number of hospitals to abandon the procedure. During his absence from the abortion battle Morgentaler had remarried—to Chloë Bernier, linguist and teacher Carmen Wernli—and his health had recovered, in part through intensive psychotherapy. He had also paid off the debts incurred in his legal battles. Recalled Morgentaler: "I told myself I had achieved reproductive freedom for the women of Quebec. Now I was going to

garden shears—Morgentaler was unharmed—have resulted in tightened security at Morgentaler's Toronto clinic, where police are on duty outside the three-story building around the clock.

Even so, friends say that Morgentaler has mellowed. "He is more relaxed," observed Toronto author Eleanor Wright-Pelrine, who wrote a 1976 biography entitled *Morgentaler: the Doctor Who Couldn't Turn Away*. And Norma Rosenblatt, president of the Toronto-based Christian Abortion Rights Action League and an associate for more than 34 years, added, "With people, he is a very gentle, warm human being with a terrific sense of humor." Even his critics concede that Morgentaler is a sincere advocate. "He is calm and kind," said Carolyn J. Haplin, 69, a nurse

from Milton, Ont., founder of the anti-abortion group *Choose Life Canada*. "I don't quarrel that he personifies himself as the champion of women's rights."

**Income.** Certainly, his financial condition has improved. Since his Toronto clinic reopened Morgentaler has worked there three days a week as well as performing abortions—which cost about \$200—at his Montreal clinic about once a month. He acknowledges that his annual income is close to \$200,000—an amount that allows him to take 12 weeks of holiday annually, spending much of that leisure time in the Caribbean, where he likes to swim, sail and relax at Club Med resorts. At home in the quiet Toronto house that he shares with Anika, he relaxes by listening to classical music, especially Beethoven, playing table tennis and reading widely—focusing books on psychology, philosophy and history.

He said that he had met recently Elizabeth Fox. Fox, *Once Upon a Time*, an assistant by Susan psychologist Alan Miller of the consumption of cruelty to children. Said Morgentaler: "She shows how Hitler was brutalized terribly as a child." That thought provoked Morgentaler to offer a reflective on his own career: "I want to make my contribution to humanity so that there will be no more Auschwitzes. Children who are born wanted and are given love and attention will not need concentration camps." Clearly, to the man at the centre of this debate on his role, he represented a giant step away from the shadow of the Holocaust.

**CRISIS WORDS** WITH LISA VAIL (DEHN) ON MORGENTALER AND BERNIER. A KENTREHEAD ON OTHERS



Leberkova, Morgentaler: "Childbirth is a miracle"

do it for the rest of Canada." To that end, he opened clinics in Winnipeg and Toronto in mid-1983. The police in those cities reacted by raiding the clinics several days later—although the Toronto clinic reopened in late 1984.

**Prison.** Morgentaler's confrontational tactics resulted in victory last week when the Supreme Court of Canada declared that the abortion law violated the Constitution, but that latest win came with a familiar price. He said that he blames the scores of legal battles, in part, for the collapse in 1984 of his second marriage—although Morgentaler shares custody of the couple's son, Yael, 7. And although a national fund-raising campaign has helped defray legal costs of almost \$500,000, Morgentaler told *Macleod's* that he still owes close to \$100,000. At the same time, vandalism, death threats and a 1985 attack by a man wielding

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# AN UNWELCOME DILEMMA

When the Liberal government of Pierre Trudeau took steps in 1969 to modify Canada's abortion laws, politicians of the day said that they hoped the new legislation would quell the countryside debate on a politically explosive issue. Instead, Section 251 of the Criminal Code touched off a series of spectacular court battles. Last week's historic decision by the Supreme Court of Canada that the 1969 law is unconstitutional put the problem squarely into the lap of the Conservative government. Declared Justice Minister Roy Hnatyshyn: "I don't expect there is going to be any more of a consensus as there has been in the past."

Hnatyshyn insisted last week that he would have to study the ruling more fully before consulting the government to any course of action. And he stressed that action may first be required from provincial health ministers to make changes in the abortion services available to women, that responsibility for finding a long-term solution clearly lies with Ottawa. In what could be an election year, the Tories face the prospect of drafting new legislation on an issue that has split the country into angry camps.

The dilemma facing the government is profound. While the Supreme Court ruled that the 1969 abortion law was an unconstitutional interference with "security of the person," it did not eliminate the possibility of future federal laws in the area. Madam Justice Bertha Wilson, writing a separate section of the majority decision, noted that the protection of the fetus is a perfectly valid legislative objective. Added Wilson: "The precise point in the development of the fetus at which the state's interest in its protection becomes compelling will be left to the informed judgment of the legislature."

Some observers saw these state-

ments as a strong signal to the government to consider legislation along the lines adopted in the United States. In 1973 the U.S. Supreme Court ruled that the decision to have an abortion during the first three months of a pregnancy rested with a woman and

rights do not apply to the unborn.

The government could buy time by waiting until the Borowski case is settled before addressing the abortion issue. It could also resort to Section 35 of the Charter of Rights and Freedoms, the so-called notwithstanding clause, which allows it to override the charter temporarily in extraordinary circumstances. But Hnatyshyn said that the government will not take that step.

Finally, the government could simply decide to do nothing at all. But inaction could prove politically dangerous. Ontario Attorney General Ian Scott, who is the wife of last week's ruling dropped two outstanding criminal charges against Dr. Henry Morgentaler, indicated that he was not about to carry on about his posts for the federal Conservatives. Said Scott: "Parliament must now address the Supreme Court decision."

Anti-abortion members of the Tory party indicated that they will not give up the fight. Said Ontario backbenchers Stan Mitton, whose parliamentary motion to enshrine the rights of the unborn in the Constitution was defeated last June: "We will not just sit back. I will go as far as the calling for a referendum."

The only positive note for the government may be that the issue threatens to divide the Liberal opposition as well. Liberal John Hunsatta, who opposes abortion, called the ruling "tragic." Nanata's caucus

champion Robert Kaplan insisted that his party will be able to find a coherent position, but admitted that "to predict it will be unanimously supported would be pretty foolish." In the midst of the emotion flowing from last week's landmark Supreme Court ruling, politicians are facing a daunting challenge in their search for a consensus on abortion.

—MICHAEL BIRCH with STEVEN ALBERTSON, MARK CLARK and SUZAN FLORE in Ottawa



Hnatyshyn: Parliament and the country split into angry camps

lar doctor. State legislatures may forbid an abortion during the second three months—but only to protect a woman's health. In the final three months of pregnancy, they may take steps to protect the fetus. While last week's Canadian ruling did not settle the issue of fetal rights, the Supreme Court will hear an appeal this spring by anti-abortion crusader Judith Borowski of a 1987 Saskatchewan Appeal Court ruling that constitutional

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## Setback for an all-news service

The announcement dealt a serious blow to the CBC's ambitious plan to launch a 24-hour all-news television service as Sept. 1. Communications Minister Flora MacDonnell said in Ottawa last week that the Conservative cabinet had decided it would "not be prudent" for the CBC to proceed further with the project until the Crown corporation had made new efforts to find a private-sector partner. As well, MacDonnell said, the cabinet

was concerned that the CBC was not offering a similar service in French. MacDonnell said that no final ruling on the fate of the CBC's all-news licence will be made until the end of the government's formal review period in October, but she left little doubt that the network's original plan—approved in November by the Canadian Radio-television and Telecommunications Commission (CRTC)—was doomed.

MacDonnell's announcement came after intense lobbying by many Conservatives and lobby groups from Western Canada. They were angry at the CBC decision to grant the all-news licence to the CBC over a rival bid from Alberta's privately owned Allstream Ltd. MacDonnell decided that the failure in the Tory caucus and in the West had influenced the cabinet's thinking—but the political stakes of failing to respond to such pressure were clearly high. Opposition MPs charged that the government had effectively bowed to political pressure. But CBC officials, for their part, said that they would make a serious effort to meet the government's new conditions.

Technically, the cabinet is empowered to review a CBC licence only during a 90-day period after it goes into effect—is the CRTC's rule, on Sept. 1. The options then are to reject the decision altogether or send it back to the CRTC for further study. But MacDonnell said last week that the cabinet wanted to "leave nobody in doubt" that it has concerns that it will consider when the issue is brought forward in the fall for formal review. Chief among them: what Mac-

Donnell called a "concentration in management and operation of broadcast news in Canada." The CBC should seek out private-sector partners, the minister said, and ensure that a similar service be established for francophone viewers.

CBC officials, although obviously troubled by the announcement, did not appear to be surprised. Said CBC president Pierre Boudreghien: "We are not without enthusiasm about this decision, but it

Canada and only a million in French Canada."

For their part, many opposition MPs and supporters of the CBC condemned the cabinet decision as unwarranted interference in the operations of the Crown corporation and of the CBC, a regulatory agency designed to operate at arm's length from government. The communications minister, charged to lead the review, is also charged with her responsibilities in favor of the



MacDonnell, Ottawa (right), charges that the government effectively bowed to political pressure.



is more positive than many other options that were in the air." Janssen said that the corporation would resume its search for private-sector partners, but pointed out that an earlier search had been unsuccessful.

Officials also had intended to try to provide a similar TV news service in French but decided to postpone an application until it completed a feasibility study. The results of that study are due by June, but CBC officials said that it is already clear that cable TV subscribers would have to pay much more for a French service (about \$1.50 a month each) than for the proposed English service—which would cost between 25 and 40 cents a month. Said Janssen: "The financing situation is not easy [for French service] because we are talking about a smaller subscriber base. There are five million cable subscribers in English

speakers and the casual meetings of the Tory party." Added Louis Applebaum, co-chairman of the 1982 federal cultural policy review committee report: "The government has the right to set general policy for the CBC, but it certainly should not participate in decisions to this degree."

But the Tory backbenchers who led the fight for a review of the CBC licence were pleased to have won the latest skirmish. And MacDonnell said that, when she completes her much-delayed review of broadcasting policy later this year, she may "redesign the role and mandate of the CBC." That warning of more fundamental changes to come in the beleaguered corporation may prove even more troublesome than last week's setback in establishing a new all-news service.

—MICHAEL HOGG in Ottawa

# A combative new Bush

Celebrating last week in the town of Woodland, Wyo., Vice-President George Bush claimed victory. "I need constant pay for last night," the presidential hopeful told a luncheon meeting. Bush was not celebrating an early triumph over other contenders for the Republican nomination. His setback the night before had been Dan Rather, anchorman for the CBS Evening News. In an extraordinary close-minute shouting match, seen live by an estimated 80 million households in the United States and Canada, Bush angrily rebuffed Rather's attempt to question him on his role in the Iran-contra affair. Analysts generally agreed that Bush's hard-nosed manner had helped modify the so-called wrap factor—a widespread perception that he is not tough enough for the White House. Indeed, viewers flooded both CBS and Bush's campaign offices with calls praising the vice-president. Urged on supporters at the Wyoming lurch, "Now take on [the] News White House correspondent!" Sam Donaldson.

For Bush, the televised tiff was perfectly timed. It came two weeks before

the first test of the 1988 race, the Iowa caucus votes. And although all polls show Bush as the Republican favorite nationwide, in Iowa he trails Senate minority leader Robert Dole by eight to 12 per cent. But while the incident may have gained the vice-president admirers from the ranks of those who view television journalists as left-leaning and overly powerful, it did not dispose of the issue haunting his campaign—how much he knew about the arms-for-hostages deal with Iran and the diversion of illegal funds to the Nicaraguan rebels. As Dole put it, "This issue is not going to go away."

The Monday night television confrontation was fraught with drama and tension. CBS scheduled the interview with the vice-president—live, at his request—to run immediately after a hard-hitting videotaped report on Bush's role in the affair. Before the show, CBS producers took turns phoning the vice-president in mock interviews with Rather. Two minutes before air time Bush entered his office in the Capitol building where a CBS camera crew—linked to New York City by satellite—waited. But although Bush had

been briefed by aides about the Iran-contra matter, he clearly caught CBS executives off-balance by acting surprised and angry when Rather announced his intended line of questioning.

Over an open phone line from Bush's office, *Evening News* executive producer Tom Brokaw in New York heard the vice-president complain, while watching the videotaped report as a monitor. "I didn't know this was about the Iran-contra affair. If he talks to me about [that], they're going to see a second-degree wallop here." The walkout reference clearly concerned Rather's widely criticized absence from a CBS studio last September in protest of a decision to drop the *Evening News* for a tennis match,

blacking out the entire network for seven minutes. Through an earpiece, Brokaw warned Rather that Bush was in a fighting mood. The tip did not help. When Bush, on-air, dismissed the preceding videotaped report as "a rebuke" and complained that CBS had put him on the air by misrepresentation, Rather appeared to lose his composure. Tempers rose, each man constantly interrupting the other. Finally, Bush dropped a verbal bombshell: "How would you like it if I judged your career by these seven minutes when you walked off the set in New York?" With night scheduled minutes left for the interview, Brokaw began screaming into Rather's ear,

"Cut! Cut! Cut! You gotta cut!" Bush was in mid-sentence when the anchor cut him off with "I gather the answer is no. Thank you very much for being with us, Mr. Vice-President."

When the network switched to a commercial, Bush was already slaking victory. Over the open line he was heard to say, "The bastard didn't lay a glove on me," and called CBS "your God-damned network." In Pierre, S.D., two days later, Bush apologized for having "taken the lord's name in vain."

Bush's handling of Rather generated widespread satisfaction among Republicans—even those on the far right who oppose Bush's bid for the presidency on the grounds that he is too moderate. Hard conservative fund-raiser Richard Vigorini, a longtime critic: "I say right on, stick it to him [Rather]. If you want to vote against Dan Rather you have to vote for George Bush."

Still, the showdown refocused attention on Bush's role in the Iran-contra affair. A former director of the CIA, Bush has insisted that he had only a vague knowledge of the arms-for-hostages swap with Iran. He has said that he expressed reservations about the deal to Reagan but has refused to elaborate, claiming that it would be a breach of trust to reveal confidential discussions with the President. Like Reagan, Bush has also denied that he knew funds were being diverted to the contra.

But documents and testimony before congressional investigating com-

mittees show that Bush was at several meetings where the Iranian arms sales were discussed in detail, and one memo indicates that Bush was extensively briefed on the deal by an Israeli official. As well, Bush had at least one meeting with former CIA agent Felix Rodriguez while Rodriguez was involved in sending the contra weapons bought with profits from the Iran arms sales. This month, the special prosecutor investigating the scandal is expected to seek criminal indictments against former White House aides, leading to more pressure on Bush to reveal all he knows.

But before that candidate will pass two important milestones in the complicated process of presidential nominee selection—the Iowa caucuses on Feb. 8 and the New Hampshire primary on Feb. 16. Because these are the first significant tests of election year, the media place them under scrutiny and the candidate clearly long for attention-grabbing events to push their names to the forefront. Still, Shereette Dennis, executive director of Columbia University's Garrett Center for Media Studies. "It's part of the insanity of the system—an incredibly complex system of elections that feed right into mass media hype." Although it may eventually rebound on him, last week's encounter with Rather clearly gave Bush all the media attention he could have hoped for.

—IAN ALSTON in Washington

## Reagan's omissions

As the meteorite prepared to take President Ronald Reagan to Capitol Hill for his state of the union speech last week, a rightly ironic line was being acted out across the street from the White House. Workers in a white *Business Army* van handed out fliers to a long line of hounded men and women in Lafayette Park. But the recipients of these handouts—and hundreds of thousands of other homeless people in the United States—were not welcomed in Reagan's final annual address to Congress. In-

stead, the President declared that his administration had "reclaimed and restored the American dream."

Reagan was clearly anxious to dispel the idea that he had been deceived and with a whisper. Said Reagan: "Put on your work shoes, we're still on the job." These work shoes seemed unlikely to be worn out. Beyond pledging to reform the complicated budget process, Reagan did not offer recommendations for dealing with the massive deficit, which helped

soak last October's stock market crash, and continues to cast a shadow over the economy. And although AIDS has already killed 37,000 Americans, the President had nothing to say about the illness, which threatens to be a major health catastrophe. At the same time, while a special prosecutor is expected to indict several White House officials close to connection with the Iran-contra scandal, Reagan did not mention the affair.

Still, the Democratic-controlled Congress

stopped the speech 36 times with applause, giving the leader ovations in a request for congressional approval of an intermediate-range nuclear arms treaty with the Soviet Union and a free trade agreement with Canada. But Democratic leaders made it clear that Reagan would find it tough going on other issues—especially a request for \$40 million for the Nicaraguan contra. It is as before Congress this week. Sen. Senate majority leader Robert Byrd: "We've come to the end of an era. The well-worn slogans have gone flat with time." The legislative triumphs of Reagan's first years in office are unlikely to be a harbinger of his last.

—IAN ALSTON in Washington



Reagan: 'still on the job'



Here in town after the show, (right) Rather: a perfectly timed off shot of up switchboards across the nation

# Working miracles in snowbound Iowa



A blessed had paralyzed western Iowa. Schools had closed and Republican presidential candidate George Bush was stranded in Sloan City on the Nebraska border. But on Iowa Route 4, the gleaming silver campaign bus of television evangelist Marjorie Grosse (Pac) Robertson lumbered on through the state, creating the state's first snowmobile parade. And as the snowmobile parade faded by faith and preceded by a snowplow.

At Carey's Restaurant in Cleveon, owners Carey and Carol Hirtick had marshaled 124 supporters to cheer the arrival of the snowmobile for the Republican presidential nomination. They recorded 8000 march music blared over loudspeakers as Robertson stepped onto a small portable stage, complete with flagpoles, which unfolded out of the bus's luggage compartment in three minutes flat. And the audience punctuated his message—calling for a return to morality, family values and school prayer—with occasional "amen" and "hallelujahs." Said Hirtick, a former Democrat who said he now supported Robertson because of his stand against abortion: "He believes in the same things we do—absolute wrongs and absolute rights."

Everywhere Robertson stopped on his recent cross-state trek through the blizzard, at least 60 of the faithful braved the storm to hear him. That determination, at a small hard core of supporters, explains why he has so far outdistanced four key rivals as the wild card in next week's key Iowa precinct caucuses. With delegates chosen only by those who show up at the state's 2,000 caucuses on Feb. 8, organizations and turnout count more heavily in Iowa than in other states where opinions are determined by a general vote. Said Robertson spokesman Kerry Moody: "It confirms what I've been saying all along. If it snows Feb. 8, we'll win."

Robertson has already scored an upset victory—in an Iowa state vote last night. He is now the only daily Dan Moynihan Register two weeks ago put him in third place among Republicans—well

behind Vice-President George Bush and front-runner Senator Robert Dole of neighboring Kansas. But as Robertson likes to point out, most of his so-called invisible army has never participated in politics before. Said Steve Roberts, Dole's Iowa campaign chairman: "We don't know who these [pre-Robertson] people are. They don't go to traditional Republican events, and we can't chart them. They just come out of the snowmobile. And it's very curious. There is always the possibility that Robertson could win Iowa."

Making sure that Robertson's sup-

er-called Super Tuesday, March 8 "I can win Iowa," he told Madison's, "There'll be nobody between me and the precinct."

Still, most analysts doubt that Robertson can win the Republican nomination, although he could emerge as a kingmaker at the party's convention in New Orleans next August. As for Robertson, he insisted that he still hoped "to better myself." As he pointed out, there are an estimated 78 million American evangelical Christians, "and it will only take about 44 million to 50 million people to win the general election." Critics



Robertson campaigning in Iowa, flanked by faith and preceded by a snowplow

pointers do turn up at the state's precincts on caucus night has been the job of Marjorie Kneel, his Midwest devotee. A former Catholic mother of five, she is a political novice herself. Indeed, she was so nervous about getting involved in politics that she took an intermediate training course seven times. It appears to have paid off. Said Kneel: "We can organize better than anyone." Robertson himself sounded equally self-confident as he campaigned in the sophisticated luxury of his limousine jet after finishing his bus tour across the state. Begging on from Iowa's caucuses and the New Hampshire primary on Feb. 16 to what he calls "my natural territory"—the western and border states where his evangelical constituency is strongest and where 20 primaries will be held on

say that, in fact, Robertson has been trying to broaden his appeal by playing down his image as a fundamentalist preacher. His publicly new identity is an ex-saltator, law graduate and broadcaster—entirely all members of his 25-year television ministry. And campaign workers correct anyone who calls him "Reverend," advising that the correct title is "Minister." But Robertson denied that he is trying to mislead voters. "Everybody knows I'm a religious leader," he said. "But I only have two months to tell the rest of the story."

Still, last year when Christian Broadcasting Network renewed Robertson's 1972 autobiography, *About It From The Heart*, it dropped part of Chapter 30. In its original edition, Robertson and God told him to stay

out of politics—specifically the 1966 re-election campaign of his father, veteran Virginia senator Willis Robertson, who went on to lose his seat that year. But as Robertson told Madison's, "My father, he was essentially a senior leader. He was one more statesman. And I felt the Lord was saying to me not to ally this fledgling ministry of mine with any senior politician." Now, he said, "this is not one more candidate for office; this is me."

Robertson still rises well before dawn each morning to pray for divine guidance. But his staff downplays that fact, as well as his claim that he can speak in tongues—the evangelical phenomenon of speaking otherworldly languages—and faith heal. In his most celebrated claim for divine intervention, Robertson said that his televised prayers caused the 1985 hurricane Gloria to veer out to sea, sparing the Virginia coast. But recently he also recalled that his first miracle occurred in Ontario in August, 1964, when he was attending an Inter-Varsity Fellowship Bible study camp near Brantford, 300 km north of Toronto. His group had called a prayer meeting at a nearby airport, hoping to win converts among the teenage staff, and to ensure a good turnout Robertson prayed for rain. Out of a brilliant blue sky, he told Madison's, "I heard this whistling noise. There was a flick, they closed that came rushing through the sky." The cloud released a downpour directly over the resort, sending the staff screaming from the beach into the meeting hall. Said Robertson: "That was one of the more dramatic answers to prayer I've ever had."

The Robertson factor, as some analysts call his so far unswayable impact on the campaign, has repeatedly caught rival candidates off guard. The latest surprise took the form of four half-hour paid television commercials, which began airing on Iowa network stations two weeks ago in the guise of a tv talk show. Called *Perspective '88* and staged with a studio audience and three breaks for public-service announcements—the spots feature guest star Robertson bearing witness to discourse education or foreign policy with a paid host. They are the work of Robertson's communications director, Constance Supp, a veteran of New York City's Madison Avenue. And they are just one example of how his inexperienced team has startled opponents. His skill and eloquence. Said Jeffrey Blader, an expert on the Christian right at Charlottesville's University of Virginia: "Anybody who writes off Pat Robertson as being just a serious candidate is going to be very surprised."

—MARC McDONALD in Des Moines

**THE SEAL OF EXCELLENCE**





Tall ships in Sydney Harbour re-enacting an epic eight-month voyage by Australia's first white settlers in 1788

AUSTRALIA

## A nation's troubled bicentennial

Farewell to old England for ever  
For we've found for Rising Day  
—19th-century colonial belief

Before a cheering mass of nearly three million spectators, a fleet of 11 square-rigged ships sailed into Sydney Harbour last week, re-enacting an epic eight-month voyage from Portsmouth, England, by Australia's first white settlers 200 years ago. They sailed following in the gentle antipodean breeze, the tall ships—including the *Our Swallow* from Vancouver—were welcomed by thousands of craft, from rubber dinghies to ocean liners. Under blue skies etched with white vapor trails from a spectacular military flypast, dignitaries—including Britain's Prince and Princess of Wales, Charles and Diana—watched the bi-centennial celebration from the vantage point of Sydney's elegant, scalloped-shed opera house, a symbol of Australia's rise to affluent nationhood from its humble origins as a British penal colony. Declared Prince Charles

"Most people who live here today now think that Australia is the best country in the world, and many from elsewhere would agree."

Not all Australians were in a celebratory mood. About 15,000 Aborigines, descendants of the island continent's original inhabitants, came to Sydney to protest against what they see in two centuries of oppression by the colonists (white men). With their dark bodies ceremonially painted, and carrying huge tribal flags of red, black and yellow, the Aborigines boycotted the white men's welcome party and instead proclaimed 1988 a year of national mourning. Their cause struck a chord among many white Australians. While they celebrate their goal for free-boasting cattle, lamb and silica industries, an abundance of natural resources, an erasable social welfare system and one of the world's highest living standards—Australians' characteristic weaknesses have clearly been tempered by a new mood of introspection. Said Manning Clark, author of a

scholarly history of Australia, "Now, in an age of doubt about everything, the descendants of the British have at last become self-questioning." Added Clark: "They have begun to ask, 'Have we any right to be here? What did our ancestors do to the original inhabitants of the country?'"

Unlike the settlers who came to North America in search of political and religious freedom—and profitable raw materials—Australia's white founding fathers were the castoffs of Georgian England. The tasteless 18th-century shift from agriculture to industry, coupled with a rapidly growing population, left many Britons without an income. Its cities teeming with unemployed, its jails overflowing with petty criminals and its American colonies—spurt from Canada—lost, England began sending its exiles to the far-off continent that had been claimed for the crown by Capt. James Cook in 1770.

On May 13, 1787, the first fleet of 11 ships sailed from Portsmouth. On Jan. 26, 1788—the date now celebrated as

Australia's national day—Capt. Arthur Phillip led the fleet into present-day Sydney Harbour. The ancient 35,000-ton vessel had claimed 50 lives. But a total of 1,000 men, women and children—758 of them felons, the rest guards, administrators and their families—survived to begin life in the first penal colony of New South Wales. When the female convicts disembarked 13 days later, the men felled freely and a drunken cry echoed. Wrote Australian-born author Robert Hughes in *The Fatal Shore*, his acclaimed 1986 account of the continent's first white settlement, it was "the first harsh party in Australia. As the couples rattled between the rocks, the sexual history of colonial Australia may fairly be said to have begun."

Until the transportation of convicts to Australia was ended in 1868, England sent more than 160,000 petty criminals and other social outcasts to New South Wales, Norfolk Island and present-day Tasmania. Most served their sentences in government chain gangs or worked as indentured servants to free colonists. And few, according to historical accounts, escaped brutal floggings at the hands of cruel penal masters for even the most minor of infractions.

But while the treatment of the British felons was harsh, the whites' treatment of Australia's indigenous people was near-genocidal. As Hughes's book graphically describes, whenever white settlements spread on the vast continent, black tribes were routinely decimated—even hunted for sport by the colonists.

Before the advent of the English, the Aborigines—who had roamed Australia for 40,000 years—lived in small, nomadic bands of about 100,000 residents, one per cent of the country's 16-million population. Some critics claim to see parallels between the fate of the Australian Aborigines and that of the Canadian Indians. Said Gary Potts of the Tasmanian Aborigines in Northern Ontario, who attended an Aboriginal protest rally in Sydney last week: "We know what it's like to have your rights of ownership denied to your motherland."

The worst days of white oppression ended long ago. But Australia remains a mixture of two societies, separate and distinctly unequal. Unlike the more than three million immigrants to the con-

tinent since the Second World War—mostly Britons, Indians, Yugoslavs, Greeks and, in recent years, Vietnamese—few Aborigines assimilate into the mainstream culture. Said Aboriginal leader Gary Foley: "It is too late to say we want the white men to be kicked out, but we must be the ones to decide what our future is in a white Australia. We don't subscribe to the white-hot idea. We are a nonconformist, non-competitive people."

Despite annual federal spending of about \$750 million on Aboriginal welfare, many white Australians see the conditions of the native population as cause for national shame. Most live on government reserves in the outback, in huts of tin, rubber tires and tarpaulins. The few who migrate to the cities live in shabby ghettos. The government acknowledges a high incidence of Abuse-



Aborigines in Sydney proclaiming 1988 a year of national mourning

northwest, Australia's desert interior remains largely uninhabited, while about 90 per cent of the population is concentrated in coastal areas, where middle-class Australians go to work in gleaming office towers and relax at the beach or around a "barbie" (barbecue) by the pool.

Indeed, the myth of Australia, as the Wild West of the Southern Hemisphere is differently projected by the federal government as a marketing tool. Through its public national film board, recent movies such as *Gallipoli* and *The Chant of Jimmie Blacksmith*, set at the turn of the century, depict Australia in its time in the minds of foreign viewers. And the omnipresent face of actor Paul Hogan on the cinema screen (as the hero in *Crocodile Dundee*), on television (selling Australian beer) and at billboards and posters (promoting Australian tourism with images of cuddly kooka bears), has reinforced the country's basic—and somewhat hokey—image.

But in fact, after emerging slowly from its post-war isolation since the end of the Second World War, Australia now clearly appears to become a regional superpower. After 10 years of budget deficits, the federal Labor government Treasurer Paul Keating said in 1985 that Australia was in danger of becoming a "banana republic," and he instituted spending cuts that have led to forecasts of a small surplus of about \$500 million this year. Inflation is 5.5 per cent and falling, and unemployment is a manageable 7.5 per cent. Indeed, experts say that only the trend toward world trade protectionism threatens Australia's economic revival. But last month, the trade minister Clayton Tetter held out the possibility of a free trade pact, similar to that with Canada, between the two countries next year.

With prospects like that in view, the majority of Australians have cause for celebration in 1988, particularly so. But its own critics say that before one can confidently chart its future among neighboring Asian nations, it must first acknowledge the sins of its past and ensure a better future for its original inhabitants.

—ANDREW WILSON with HELEN GRIMARD in Sydney

## Battling the drug lords

Carlos Macro Hayes was returning to Bogotá last week after a weekend at his farm retreat outside the coastal city of Medellín. Colombia's 45-year-old attorney general had earned the brief rest since Dec. 30, when a Bogotá judge—without the government's knowledge—ordered the release from prison of a notorious drug dealer. Hayes had been under intense pressure to re-open the case and to investigate apparent corruption of the judiciary. But on Jan. 15, as he drove to the Medellín airport for a return flight to the capital, at least six gunmen forced Hayes's Mercedes-Benz off the road, killing his two bodyguards with submachine-gun fire before speeding away with the badly wounded Hayes in a cage to a radio tower in that day, a group calling itself the *Extradictos* Cows said the attorney general had been executed for "betraying the country" and announced the location of the body. The message ended with a chilling warning: "The war continues. We inform you, the war continues. We repeat, the war continues."

The war was openly declared last November by Colombia's illegal drug barons—known locally as *cocos*—after the police capture of Jorge Luis Ochoa, a reputed kingpin in the notorious Medellín Cartel, on a speeding charge. Clearly fearing the government's efforts to resume a suspended 1979 extradition treaty with the United States—where Ochoa was wanted on several charges, including cocaine smuggling—the Extradictos Cows issued a statement threatening a "bloodbath." In what the government deems was an illegal procedure, Ochoa was freed and less than a day later disappeared. But his fellow drug lords were clearly determined to continue their campaign of intimidation. A few hours after the announcement of his execution, police found the blood-soaked body

of Hayes in the hills outside Medellín. President Virgilio Barco Vargas promptly announced tough new law-enforcement measures. But with \$5 billion annually in drug sales at stake—as much as Colombia's legitimate exports—Barco faces great risks



His in bodyguard at Hayes kidnapping scene. "We repeat, the war continues."

Hayes is the first casualty of the newly declared war. Last week, as police searched for the attorney general's body, they accidentally discovered leading Bogotá mayoral candidate Luis Maffa critic Andres Pastrana—alive and well after his kidnapping by gunmen on Jan. 16. But in a series of skirmishes throughout the 1980s, government officials, judges and journalists have fallen victims to the Medellín Cartel—responsible for as much as 80 per cent of the cocaine smuggled into North America. In 1984 Justice Minis-

ter Rodrigo Lara—who enacted the 1979 U.S.-Colombia extradition treaty—was killed by Mafia assassins. His successor, Enrique Parejo, first implemented the treaty with several extradition orders. When President Barco assumed power in 1986, he named Parejo ambassador to Hungary—in part out of concern for his safety. But the long arm of Mafia vengeance reached Budapest six months later. In January, 1987, Parejo survived five bullet wounds in an attack by hired assassins.

Ochoa was last seen in July, 1986, Supreme Court Magistrate Hernando Requena was gunned down in Bogotá with several bodyguards. In what many critics see as a pattern of judicial intimidation, five months later the Supreme Court invalidated the 1979 extradition treaty on a technicality. In the past three years the killings of more than 50 judges and the corruption of others by drug money have nearly paralyzed Colombia's justice system.

The release and subsequent disappearance of drug kingpin Ochoa last year brought protests from Washington. In reprisal, the Reagan administration promptly instituted tighter controls over all passengers and products arriving from Colombia. Although some Colombian officials complained of U.S. meddling in their affairs, on Jan. 5 the Barco government issued arrest warrants for the five bosses of the Medellín Cartel. And last week, after Hayes's murder, Barco signed an emergency antiterrorist decree. The new mea-

sures include an increased judiciary and security force, curbs on media reports to protect crime witnesses and financial rewards to informants against the Mafia.

—ELLEN TOLUNE in Bogotá

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Giamone saying farewell: 'working for humanity' and looking for a new cause

## LEBANON

# Shatila's angel of mercy

**D**uring the darkest days of the siege, Toronto-born surgeon Christopher Giamone slept one or two hours nightly. He survived on a glass of milk for breakfast, a cup of yogurt for lunch and cracked wheat and tomato paste for supper. Hundreds of Palestinian men, women and children died in Giamone's makeshift hospital as a rival Moslem group butchered it mercilessly. Hundreds of others, some with horrible head wounds, were saved on his operating table. Finally, after witnessing and enduring 21 months of suffering, deprivation and misery, Giamone last week left Beirut's Shatila refugee camp. "I am leaving," he said, "but I cannot express my feelings."

His departure followed the end of the so-called camp war last month, when Salah Berr, leader of the Lebanese Islamic (Nida, Ansa), renounced his troops besieging Shatila and two other Lebanese refugee camps. During the siege Ansa units shelled and almost destroyed the camps in a bid to stop the Palestine Liberation Organization from reestablishing itself in Lebanon after the Israeli invasion of 1982. Berr called his decision a gesture of support for the Palestinian struggle in the Israeli-occupied West Bank and Gaza Strip.

The 38-year-old Giamone, a longtime PLO supporter, became a controversial figure in Canada in 1982 when, during the Israeli invasion, he said that he saw Israeli troops inflicting "savagery and indiscriminate" beatings on Palestinian prisoners. An Israeli Embassy spokesman in Washington called that "a total lie," claiming that Giamone belonged to a terrorist organization. Giamone denied the claim and last week, on his arrival in Cyprus from Beirut, he told *Macleans*, "I consider myself a member of the liberation of humanity from disease, ignorance, poverty and exploitation." A graduate of the University of Toronto School and a medical student at Montreal's McGill University, he completed a master's degree in cancer surgery in Cairo in 1979. Then he joined the Palestinian section of the Red Crescent Society, the Arab world's Red Cross. In October, 1982, the society assigned Giamone to Shatila, home to 3,500 Palestinians, most of them belonging to various factions of the PLO or the Palestine National Salvation Front, and almost all but the women and children heavily armed.

During Giamone's first few months at the camp, he said, Ansa inflicted a

blackade restricting the flow of people and goods in and out. But in November and December of 1986 the group besieged the camp, which covers an area only 200 metres square. Over the ensuing months Ansa fired tons of thousands of mortar, artillery and tank shells into the cramped settlement. More than 85 per cent of the camp's cement block and corrugated iron buildings were destroyed, forcing survivors to live in the rubble or in makeshift underground shelters without electricity, running water or sewage disposal.

Giamone, saves other doctors and 25 nurses ministered to the sick, wounded and dying in a makeshift hospital consisting of four small buildings—with space, he said, equivalent to

one typical three-bedroom Canadian bungalow. Because he was the only surgeon available, Giamone performed hundreds of major operations, including about 10 on people with severe head wounds. About 30 of those patients survived, he said. But he also treated wounds, the medical staff occasionally battled outbreaks of hunger, lice, snakes and mosquitoes. "If the camp had been overrun, there would have been a complete massacre," said Giamone. The women and some 850 children under the age of 12 spent weeks and even months on and underground in heavily cramped bunkers. He said he, even in the blackest moments, remained developed, engagements were announced and weddings were held.

An exhausted, emaciated Giamone was relaxing in Cyprus last week, basking in what he described as "a rather long rest, both physically and emotionally." He recalled dreaming about a dinner of fresh fish and lobster and longing for simple pleasures such as the sight of green grass and trees. He was planning to buy a car and a wife in Toronto and said that he wanted to write a book about his experiences. But he ruled out practicing medicine in Canada. "I believe medicine is a vocation, not an occupation, a calling, not a career," he said. Instead, he said, he was going to "use plain I think I can be useful"—such as Ramfies, El Salvador or Nicaragua.

—SCOTT JENNIFER with JEN NEALE in Toronto

# Breaking point for a broker

He was the perennial outsider. The boy who toiled on his father's impoverished farm outside Tignish, P.E.I., believed that hard work and wealth would earn him a place among the country's money elite. And in 1986, 30 years after he hitchhiked to Toronto from Tignish with \$19 in his pocket, Yonard J. (Len) Gaudet became chairman of the venerable brokerage firm Orlor Inc. But despite his successes, the 46-year-old millionaire's meteoric rise halted seven weeks ago when he was forced to resign amid an investigation into questionable trading practices at Orlor. Said the vice-president of a major Toronto-based investment firm: "Gaudet was still considered the nervous, shy young man from who knows where in the poverty-stricken Maritimes."

Gaudet's troubles on King Street began on Dec. 14 when the Toronto Stock Exchange was notified by Orlor officials and a disgruntled client about a looming crisis at the brokerage firm. On the previous Friday the Canadian Cooperative Credit Society, a central lending institution for the country's credit unions, had been informed by senior Orlor officials that the brokerage firm would need \$50 million short on two agreements to buy back a total of \$336 million in securities from the credit society. The CSC immediately appointed the Toronto accounting firm Clarkson Gordon to conduct an internal investigation. In focusing on why Orlor needed \$50 million in eight months, On Jan. 8 Orlor was placed into receivership by the Supreme Court of Ontario. But throughout the crisis, the firm has continued to conduct business, and last week, after lengthy negotiations, Orlor's retail branches and most of its assets were sold to Midland Delory Ltd., another Toronto-based securities firm, for an undisclosed sum. Although Orlor's con-

porate fate has been denied, the investigation is continuing and Gaudet's role in the company's demise remains unclear.

Last week the Supreme Court of Ontario placed the assets of Gaudet, his wife, Nancy, and a numbered company controlled by Gaudet and two other

persons or "an improper inflation of the resale price to inventory." Other transactions involved Orlor's buying bonds from a third party for the company's inventory, after which the Gaudets would buy them from Orlor and resell them to Orlor at an increased price. Already, the Ontario Securities



Constructing Sunbelt International Corp.'s plant in Summerside, P.E.I.: a native son's money troubles

former Orlor executives into receivership. According to an affidavit filed with the court by Clarkson Gordon, \$19 million may have been "improperly diverted" from Orlor to clients' accounts controlled by or related to Gaudet. Orlor's former president Paul Cohen and Patrick Anthony (Tony) Chisnott, an executive vice-president.

According to the court documents, \$100 million passed from Orlor to accounts controlled by Gaudet and his wife between April, 1986, and December, 1987. An additional \$6.97 million was deposited in T1817 Ontario Ltd., the numbered company controlled by Gaudet, Cohen and Chisnott. The affidavit cited two types of investigation: a number of bonds were purchased from Orlor's inventory and were resold to the company the same day at "an improper reduction" of the purchase

Commission—the provincial body that regulates most of Canada's securities industry—has frozen the assets of Chisnott. As well, the commission suspended the trading rights of the former Orlor executive and scheduled a public hearing into his activities on Feb. 24. At the same time, the CSC and the securities commission are investigating the close relationship between Orlor and the credit society. The brokerage firm and CSC engaged in three deals last November and December that required Orlor to buy back treasury bills for a total of \$476 million. Since then CSC investigators and Clarkson Gordon have been trying to piece together events that may reveal how the small brokerage firm could attract such a large institutional client. According to a CSC official, the business relationship between Orlor

and the credit society began eight years ago. Last October Gaudet, Cohen and two other Orlor officials addressed an informal meeting of a half dozen national credit union members at a downtown Toronto hotel. The topic discussed, according to the credit society official, was the degradation of the country's securities industry. Friedman, and already, Gaudet flattered his efforts with his generosity. A former associate described how Gaudet sent two bottles of Dom Perignon champagne to acquaintances who were eating lunch at Rittenfeld's, an exclusive King Street restaurant, on Dec. 4. That same evening Gaudet, Orlor's shareholders and their guests—a group of 36 people—gathered at the rural Stone Mill Inn for a black-tie Christmas party. The tab more than \$10,000 for drinks, food, donations and entertainment, which included a choir, a harpist and a belly dancer.

Gaudet also maintained a generous staff spot for his home province. Every year, Gaudet, his wife and two sons spent two weeks at their cottage in Salt Pond, a seaside village near his home town. And he arranged financing for several companies in Prince Edward Island. But the allegations surrounding Orlor and Gaudet have shocked Prince Edward Island's tiny business community. In the past year Orlor arranged \$1.5 million in financing for four fledgling firms that are expected to provide 171 new jobs for the islanders. Three of those ventures, Cytron International Inc., Marne Harvesting Ltd. and Chumsky Guard Ltd., were started up before Orlor's financial woes became evident.

But Rosalind Telecommunications Corp., a telephone systems company, had only received \$900,000 of the \$1.5 million Gaudet promised to raise for the company. Said David Babin, co-owner-director of the Prince Edward Island Development Agency, which has a mandate to attract business to the province: "A year ago, who an earth would have ever guessed that Orlor would be put into receivership?"

As well, Gaudet's commitment to raise funds for the installation of a mural of bronze sculptures in Charlottetown has also been jeopardized. Last summer Gaudet donated \$25,000 to Prince Edward Island's Confederation Centre of the Arts and was promised to raise an additional \$175,000—for the creation of a mural of 100-size bronze reliefs depicting the Fathers of Confederation. But for now Gaudet's dreams of wealth and acceptance appear to be all but shattered.

—THEODORE TERNER in Toronto with  
BARBARA MARSHALL in Charlottetown



Episkopakis (left) and the Banadians: a takeover tycoon and a national roadblock

## Bolting the back door

When financier Carlo De Benedetti attempted the takeover of the giant Belgian consortium Societas Générale de Belgique, critics compared it to a terrorist attack. But in his native Italy, the press called De Benedetti "King Charles I of Belgium." In mid-January the tycoon ended weeks of speculation about a mysterious bidder for Générale when he emerged as the buyer. But last week that offer appeared to hit a nationalistic roadblock. Members of a Belgian-led consortium, seceded by the prospect of a cherished national institution passing into foreign hands, and that they were organizing a counteroffer.

The 50-year-old De Benedetti, who controls an industrial empire with sales of \$14.7 billion in 1986, owned 14.6 per cent of Générale's shares and is now attempting to drastically increase his stake. He has said that he wants to acquire the company as part of a grand design to create one of the largest multinational firms in Europe.

The venerable Belgian banking company controls 1,331 companies operating in the banking, insurance, insurance, chemicals and transportation fields in 47 countries. But De Benedetti's bid for Générale sparked an emotional and angry debate in Belgium. Générale was founded in 1823—eight years before Belgium, formerly part of the Netherlands, became an independent nation. The company functioned briefly as the country's central bank before its shareholders helped to turn Belgien-

into a modern industrial power. But last week Générale chief executive officer René Longueux denounced De Benedetti for launching an "imperialistic move" that was designed to "colonize Belgium." Belgium's finance minister, Mark Ryssels, sensed the Italian tycoon of "marching through the back door like a thief in the night."

The demonstrations erupted after the charismatic Italian announced Jan. 19 that he had accumulated an 18.6-per cent stake of Générale's widely held shares. Then, De Benedetti revealed that he was trying to acquire a further 15 per cent. If successful, he would then have effective control of Générale.

Despite some of the antagonism toward De Benedetti's bid, some Belgian analysts, citing De Benedetti's ability to revitalize moribund firms in the past—such as computer-maker ICG C. Olivetti & C. in, the Italian Pergami food giant and Italian house Société Yves Saint Laurent—predict that the Italian could put the firm on a sound footing for the 1990s. Major decisions concerning the integrity of De Benedetti's quest to buy up further shares of Générale may be announced next week by Belgium's Commercial Court. And many analysts predict that Belgium will win in the end. Said Générale director Vincent Étienne Desvignes: "We are Belgians. And however brilliant this adventure Italian may be, La Générale must remain Belgian. Because so, it will."

—PETER LEWIS in Brussels

# The private hospital revolution

By Peter C. Newman

**T**he aspect of free trade boistering the NW's Ed Browne has met a foe that the free enterprise bible that drives existing American Medicare programs might dismiss the effectiveness of Canada's health care system. In terms of treating hospitals and nursing homes, and operating those facilities on both sides of the border—and succeeding beyond anyone's expectations.

Extensicare Health Services Inc., a subsidiary of the Toronto-based Creston Inc., now manages more than 300 health care institutions across Canada and the United States. The Toronto-based company has just signed a three-year contract to run a 423-bed long-term-care complex in St. John's, Nfld., which had previously been operated by the provincial government. In Canada, Extensicare already manages two hospitals in Alberta and a chronic-care unit in Toronto, plus 81 nursing homes and geriatric centres in six provinces and 17 diagnostic laboratories in Ontario. Although Extensicare claims to more than \$1.5 billion a day in revenues in North America, few Canadians are aware that the private management of health care is so extensive in this country.

"The attitude toward private-sector health care in Canada is not as open as it is in the United States," Extensicare's president and chief executive officer Fred Lady told me. "I personally believe that we need a balance between government-run and free enterprise facilities. But at the moment our prospects are much more attractive in the United States than in Canada. In 1988, 65 per cent of our revenues and 80 per cent of our profits will come from our American operations."

Under Lady's direction, Extensicare has become North America's second largest provider of private long-term health care, with a permanent staff of 30,000 nurses and support personnel, including 8,500 in Canada. Current trends in demographics mean that the number of Canadians over 65 will triple in the next 25 years. Lower fertility after the elderly has become a major growth industry, and Lady is adding about 30 old-age homes per year to Extensicare's ownership or management operations. He is already operating in 10 countries in Europe, and expects to eventually enter Japan. "We always think of the United Kingdom as being a very

socialist country, but in fact the private sector has a bigger involvement in health provision there than in Canada" in terms of privately owned and run hospitals, and Lady. "Even in Sweden, which is held up as being the ultimate socialist state, privately run hospitals are held up as the measuring rod. We are already managing one hospital and a nursing home in England and have opened chronically with the Japanese. They have never had much long-term



Lady: growing profits in health care

care, but as they become Westernized, they have become interested in talking to us about using our professionalism in that area."

Lady recognizes nothing ideological about what he is doing, in the sense that his private-sector efforts might weaken the Canadian Medicare system. On the contrary. He believes that making the delivery of health care more efficient can only help the existing system. "In that Newfoundland hospital, which we started managing in January,

we anticipate saving about \$1 million a year in operating costs," he says. "The management of that hospital is not even changing. All we do is manage the institution. Admissions policies don't change, nor do staffing levels. It's just a matter of putting in our accounting systems that provide better cost control, more efficient purchasing methods and a lot of cost-cutting measures. We look to peak hours there isn't as much overtime, as well as some other common-sense management practices." Usually, Lady said, the savings easily cover the fees that Extensicare charges the hospital's managers.

Extensicare's longest experience in hospital management has been at the George St. L. McCall chronic care wing of the Queen's General Hospital in St. John's, in the western part of Metropolitan Toronto. That 120-bed unit was built in 1952 with two-thirds of the \$6.5 million in construction funds raised by Extensicare, the rest by the local hospital board. The company operates the unit under a 20-year contract. "We can raise private-sector capital funds to build health care facilities far at least a third less than governments can," Lady claims. "We brought that hospital in on time and under budget. We ran it at a cost of about \$130 a bed, while public-sector figures for similar facilities are usually around \$170. It's just the way the private sector approaches things."

At the Athabasca community hospital in northern Alberta, Extensicare charges an annual management fee of \$120,000, but Lady claims that Extensicare saved the institution almost \$300,000 in operating costs last year. Another hospital in Okla., Ala., has recently signed up with Extensicare. "Our approach," claims Lady, "is to go to the top of the hierarchy, let's get down to some pragmatism and worrying about the state of our bodies. If we don't conserve money and use private companies not only to run hospitals but to finance their construction, we're going to be suffering health care in Canada before the century is out." Responding to this criticism, some private-sector health care managers say that the gross domestic product, but Lady said, "there is no way to sustain the present system—without immediately help from the private sector."

If and when that happens, the health care system will be under constant scrutiny, managed by Extensicare could become pilot projects in a new trend

# Alberta's defiant nurses

**A**fter 21 years of service, nursing instructor Evelyn Riley walked off the ward at 7:30 a.m. on Jan. 20 and joined a union picket line outside Calgary's Foothills Provincial Hospital. And at week's end, she and 11,600 nursing colleagues remained on strike. They are protesting the province's health care system. Hospital authorities say that no patients have died as a direct

result of the strike. The Alberta Nurses' Association (ANA) is in intense negotiations. There, at the last fully operational major hospital centre in the province, the nurses—who are members of a different union, the Staff Nurses Association of Alberta—are pressing roughly the same claim as their colleagues: a 20-per-cent increase over two years in pay scales, but range from \$14.80 to \$36.47 per hour.



ANA rally: "They can call in the army, but only a negotiated settlement will stop the strike"

result of the strike by the United Nurses of Alberta. But many of the doctors, nursing supervisors and nurses' aides who are attempting to care for patients in the nurses' absence said that the 123 hospitals and nursing homes affected could not withstand a prolonged absence. Bill Riley and his colleagues said that they would remain off the job—even though they are ruling heavy fines and jail sentences by doing so. Declared the 80-year-old Riley: "The government uses my expertise and refuses to pay me what I am worth. They are bullying us with penalties and refusing to negotiate."

Hospital administrators attempted to cope with the effects of the walkout through such measures as admitting only critically ill patients, cancelling elective surgery and discharging patients as soon as they could without medical care. But the officials do so in the knowledge that an additional 2,200

In response, the Alberta Hospital Association, the employer organization that represents the 123 provincially funded institutions, has offered the nurses a single 35.5-per-cent increase, beginning April 1 and applied to the last 15 months of a two-year contract. University of Alberta Hospital administrator, meanwhile, proposed a two-per-cent increase over 15 months to 50A negotiators.

But representatives for both unions have rejected these offers. The ANA members walked out in defiance of a 1983 Alberta no-strike law, which places nurses in the same category of essential service workers as firefighters and police officers. Currently, only Manitoba, Saskatchewan and Nova Scotia still extend full strike rights to nurses, according to a spokesman for the Ontario Nurses' Association. The National Federation of Nurses' Unions. The Alberta law, which came into force one year after a 20-day nurses

strike, prescribed binding arbitrators to resolve such labor disputes—an option that has never been exercised and that the law, which came into effect Dec. 31, has rejected. But meanwhile, the province has appointed a department of labor mediator.

In addition, 50A members held the Alberta Labour Relations Board and walked out of the board room that prohibited the nurses from launching last week's strike—a necessary step before the law could be applied. Then, when the union defied its effect, the board held its ruling with the Alberta Court of Queen's Bench. The court, in an 11-4 decision, upheld the hospital association to prepare contempt-of-court charges against 50A leaders. At week's end, association spokesman Rod Larsen noted that the charges carried such penalties as fines as high as \$1,000 and, in default of payment, prison terms of up to one year. As well, as Friday Attorney General James Horner said, the court could order contempt charges against the ANA, due to be heard in Edmonton Monday, which could entail fines against the union's assets, including its \$1.5-million emergency fund.

As the deepening health care crisis forces Premier Donald Getty to cut short a vacation in Steam Springs, Calif., and return to Edmonton, there were no signs of a quick end to the strike—and the seriousness was underlined by both sides in the dispute. Hospital association spokesman Larsen, for one, accused the nurses of "holding hospital patients and the general public to ransom." And Dr. Roy Le Balle, the registrar of the Alberta College of Physicians and Surgeons, bluntly described the nurses' strike as "an international terrorism." Added Le Balle: "I am sure Florence Nightingale is rotating at great speed in her grave."

For her part, ANA president Margaret Ethier angrily denounced a hospital administrators' charge that the nurses had "endangered Albertans by creating the safety of patients entrusted to their care. Added Ethier: "The ANA has tried to intimidate us and it is not working. They can call in the army, but only a negotiated settlement will stop the strike."

—DOEN BOWEN in Calgary with correspondence reports

## Regrets of a terrorist

The pipe-smoking former grocer and father of three brought his family from Spain to Canada last February, he said, in an effort to provide them with a secure and prosperous future. But now, former Palestinian terrorist Mohammed Issa Mahameed, 41, he wife, Paula, and their children have abandoned their home in Bramford, Ont., and are living in a so-called safe house in Oakville, Ont., just west of Toronto, guarded by members of the Canadian Security Intelligence Service.

Two weeks ago the federal government confirmed that Mahameed, convicted of manslaughter in the death of 50-year-old Israeli engineer Leon Shuridan in the 1988 sabotage of an Israeli passenger plane in Athens, had lived about his past and had entered Canada as a landed immigrant—despite the intelligence service learning beforehand of his terrorist activity. At the same time, the government announced that deportation proceedings had begun. Responding to newspaper criticism, Gerald Weiner, minister of state for immigration, pledged to "use the full force of the law"



Mohammed 'What would break my heart'

to expel Mahameed. Still, he said that the deportation case may take years to conclude. Indeed, during a 30-minute appearance in Hamilton, Ont., on Jan. 25, an immigration adjudicator agreed to adjourn Mahameed's case until Feb. 15 in order to provide more time to prepare a defence.

Meanwhile, Mahameed condemned a threat by members of the Homeland Defence Organization, a previously unknown terrorist group, to kidnap Canadian citizens if the government deport Issa Mahameed, adding that he regrets killing Shuridan, the father of a teenage daughter, in the Athens incident. Declared the former terrorist last week in an interview on CBC's *The Journal*. "I would never like to see other children living without their parents because of me. That would break my heart forever." He says that in 1988 he did not think about his future, 20 years later, his future is the subject of intense controversy—and Mahameed says that he now lives in fear that the publicity surrounding the case might incite Israeli nationals to take retaliatory measures against him and his family. Clearly, whatever the outcome of the courtroom proceedings, from this point Mahameed's fortunes will be inextricably linked to the spectre of his past.

—ANNE STRACY in Toronto

## Countering heart attacks

An apple a day keeps the doctor away, according to folklore. Now, a dramatic medical breakthrough by U.S. researchers may soon lead to an updated version of the old adage: an aspirin every second day keeps the cardiologist away. Releasing the results of a five-year study last week in the Jan. 28 issue of the *New England Journal of Medicine*, the team of 13 researchers at Boston's Brigham and Women's Hospital reported that a test group of healthy men who took the common household pain-killer every other day cut their chances of suffering a heart attack by almost half. The researchers, sponsored by the National Institutes of Health in Bethesda, Md., said that the results were so encouraging that they decided to terminate the study two years early in order to publicize their findings. Said Dr. Arnold Rebane, editor of the respected weekly journal, "This is a milestone in the continuing struggle" against heart attack.

Heart attacks—North America's leading cause of death—usually occur when fatty deposits and blood clots in

the arteries inhibit the flow of blood to the heart. Because aspirin reduces the blood's ability to clot, doctors have believed for at least a decade that aspirin may reduce the risk of second heart attacks—but the new study is the first to conclude that it can reduce the incidence of heart disease in healthy men. And experts, including cardiologist Dr. Lawrence Cohen of Yale University, say that the findings may also be applied to women who smoke or who have such risk factors as high blood pressure. Declared Cohen, "There will be many thousands of people whose heart attacks will be prevented by this medical intervention."

The researchers selected 31,000 male physicians between the ages of 40 and 64 who had no history of heart disease or other conditions, including sleep-

and snore, to participate in the experiment. Half the doctors took a normal-strength 325-mg Bufferin aspirin every second day, the other half took placebo. After five years 180 of the subjects taking placebo had suffered heart attacks—in dramatic contrast to the 104 attacks among those taking aspirin.

Still, Dr. Charles Hershenson, who directed the study, said that a patient's decision to use aspirin routinely should be made only in consultation with a physician. That is because aspirin can cause some people to suffer from gastrointestinal disorder and bleeding.

Added Dr. Norman DuBois, director of health care services for the Canadian Medical Association, "People who have a predisposition to stomach ulcers, for example, could get into trouble." But the grim statistics—in Canada alone 30,000 people die from heart attacks every year—under-

score the significance of a genuine breakthrough in preventive measures. The new findings seem certain to spark new and widespread hope.

—ANNE STRACY in Toronto



Hershenson: vital study

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## Uniting against AIDS

He may not be as popular as Superman or Batman, but the latest comic-book hero in the Australian outlook certainly delivers a compelling message. Known as "Condoms," the character is featured in a government-run print advertising campaign designed to encourage sexually active Aboriginal men to use "Trekies," a slang term for condoms. In Uganda, meanwhile, officials have distributed more than one million leaflets and posters with the warning: "Be wary of the condom and epidemic of sex—it could prove hazardous to your health." Despite their differences, such campaigns are part of a growing worldwide effort to check the spread of AIDS. Said Dr. Jonathan Mann, director of the Geneva-based World Health Organization special AIDS program, "Against AIDS, information and education can succeed as no health education program has succeeded before."

To help underscore that point, politicians and health care experts from 146 countries gathered in London last week for what was billed as the world's first global summit on the prevention of AIDS. The thinking behind the conference, however, is straightforward: Because scientists still have not developed a cure for AIDS, the only sensible response is to do everything possible to contain the spread of the fatal disease. Declared Sir Donald Arbuthnot, chief medical officer of the British department of health and social security, "Behavioural and sociological change, without the help and guidance of not only politicians and religious leaders, but society as a whole."

If nothing else, the conference dramatically re-emphasized the global dimension of the problem. According to Mann, as of Jan. 12 there were a total of 75,288 reported AIDS cases from 184 countries—six classes the number of these cases. More alarming still is the fact that an estimated five to 10 million people worldwide are currently infected

with human immunodeficiency virus (HIV)—as many as 20 per cent of whom will go on to develop AIDS. And as efforts continued to contain the disease, doctors treating a Newark, N.J., woman last week found that she was the first North American infected with the HT-2 virus, an equally dangerous mutant, which has spread from West Africa.

But while AIDS is a global problem, it affects different regions of the world in different ways. In North America and Western Europe the majority of AIDS victims are homosexual and bisexual men and intravenous drug users of both sexes. In Africa and parts of the Caribbean the disease is mainly spread through heterosexual contact, producing roughly equal numbers of male and female AIDS patients.

Although many countries, including Canada, have taken steps to publicize the risks of AIDS infection, some dele-

gates still were worried that the message is still not coming in. During a news conference, U.S. Surgeon General Dr. Everett Koop harshly criticized an article in the January issue of *Compassion* magazine (circulation 35 million), which asserted that women need not be concerned about contracting AIDS unless they have vaginal lesions or engage in anal intercourse or other forms of sexual behavior that can cause internal bleeding. "That kind of article is extremely damaging—I still cannot believe it was published," said Koop. The U.S. government's senior adviser on health policy added Peggy Clarke, New York City's assistant commissioner of AIDS program services. "Our fear is that women who read *Compassion* are going to think there is nothing to be afraid of. We are saying that if you are unsure about the sexual or drug-use history of your partner, you should definitely use a condom." That advice may be what people want to hear, the experts added—but it could save lives.

—ROSS LLOYD in London with  
TRUDY KERR in New York City

## An issue of human rights

On Jan. 26, only three weeks after starting a nursing job at Toronto Western Hospital, Ron Lentin was fired. Two days later he filed a complaint with the Ontario Human Rights Commission, alleging that he was a victim of discrimination. Lentin, 33, has AIDS and has been suffering from Kaposi's sarcoma—AIDS-related skin cancer—for almost two years. His is the first known case in Canada of a health care worker with AIDS to have been fired. Toronto Western spokesman David Allen insists that the hospital's position is that staff members with AIDS pose no health hazards—and that Lentin was fired because he was "not totally open" about his disease during the hiring process.

Lentin maintains that hospital officials knew of his condition before he was hired. But according to Allen, Lentin did not tell the hospital that he had AIDS until he was on staff. Said Allen, "It is not what we said. It is what we saw." In addition, he claims that the workers before Lentin was fired the hospital obtained additional information about the nurse that "indicated that we did not

want him to be part of the nursing department." Lentin, a founder of the Toronto AIDS Drop-In Centre, told *Maclean's* that he had no idea what that information was.

There are no recorded cases of the virus being transmitted through casual contact. And according to Allen, no staff members, patients or their families had complained about Lentin working in the hospital. Still, some AIDS experts say they are concerned that, until the full details of the case are made public, Lentin's firing could mean a backward step for education about the disease. For his part, Lentin—whose union, the Ontario Nurses' Association, is grieving the discharge—said that he believes this case has made a "positive impact on society, and he has no option but to try to get his job back. "I have nothing to lose now," said Lentin. "They gave me 34 hours a day to fight this." Whatever the outcome, Ron Lentin's battle with the hospital will undoubtedly become an important—and precedent-setting—test case.

—VERA UNDERWOOD in Toronto



Lentin fired

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## PEOPLE



**Seaver's return to student days**

It was a red-letter day for the high-flying **Duchess of York**. At Buckingham Palace last week announced that the former **Sarah Ferguson**, 38, and her husband **Andrew**, the **Duke of York**, 37, are expecting their first child in August, the mother-to-be celebrated by flying a helicopter over her childhood home in Hampshire. As she passed over her father's farm, the **Duchess**, who earned her helicopter pilot's wings last December, was greeted with the words, "Congratulations," painted in red on a building by her stepson **her**, **Seaver Ferguson**. He declared the message: "She will be a wonderful mum."

They had not seen each other for almost 44 years, although they were still bound by a shared Holocaust nightmare. But last week **Neil Newman**, 68, a retired Vancouver restaurateur, and **Harry Meyer**, 64, a professor of viols at the University of Cincinnati, had an emotional reunion in Vancouver. From 1942 to 1945, the men played in the inmates' orchestra at Birkenau, the notorious Nazi death camp near Auschwitz. Both survivors said that they could listening to the music they played in the camp. Said **Winnicki**, who used to play the flute: "I just don't want to remember that music."

For **Gen. Gen. Jeanne Seaver** a **Seaver** brought an abrupt end to her European visit last week, but not before she received a medal in Paris from the Sorbonne university—as a woman that was more than ceremonial. It marked a university honoring for **Seaver**, 66, and her husband, **Michael**, 64, accompanying his wife on her official tour, the first state visit to France by a Canadian governor general. In 1961 the young couple struggled to make ends meet on a student budget—**Seaver** doing doctoral studies in economics and she studying French politics and civilization. **Seaver**, after adopting a heart-shaped medal. As a student hastily following courses at the Sorbonne, I never doubt that I could receive such an honor."

To game of things has changed for the worse, says **Boris Spassky**, the former world champion who lost his title to American **Robert Fischer** in 1972. **Spassky** was a guest at the month-long World Festival of Chess, now under way in Saint John, N.B., featuring a competition among 14 grandmasters, including Montreal's **Karim Spassky**. **Spassky** said that the dramatic 126-game duel would be over.

World champion **Seaver** **Karpis** and **Seaver** **Karpis** since September, 1968, has left them exhausted. "As a result," said the Soviet-born **Karpis**, who now lives in Paris. "The quality of their play is really low." The Canadian can judge for themselves on Feb. 19 and 20 when **Karpis** and **Karpis** are to resume their rivalry at the festival.

When writer **Isabel Huggins** made a 21st birthday trip from her home in Waterloo, Ont., to New York City, her mother served a dose into her life so that she could call home in an emergency. Last week **Huggins**, now, 61, returned triumphantly to New York to pick up a \$2,000 cheque for winning the Quality Paperback Book Club's annual New Value Award for

her first book, *The Elizabethan Stories*. The writer flew—at the expense of Canada's department of external affairs—from Kenya, where she currently lives. Her short story collection about the pains of adolescence was published in Canada in 1984 and in the United States last spring. "It's like a second blooming."



**DiNoche** successfully meeting new acting challenges

said **Huggins**. "This was (imagines) their first book winning anything."

For French actress **Juliette Binoche**, there were several challenges to overcome in playing a lead role in the current season *The Fabulous Life of a French Girl*. A veteran of a dozen French films, the Parisian actress, who spoke little English, had to perform in that language for the first time. And adding to the difficulty of working in a new language, said **Binoche**, 32, was the challenge of portraying intense emotion for the five months it took to film the movie, based on the best-selling 1984 erotic novel by Czech expatriate **Milan Kundera**. But doing numerous nude love scenes with British costar **Daniel Day-Lewis** proved easier than expected. "We dreamed a lot about them," she said. "So by the time we did them, they were not so difficult."

—**YVONNE COX**, with correspondents' reports

# Cosmic visions from a driven creator

Artists—at least fashionably contemporary—are not supposed to deal with the elemental and the cosmic. To confront the infinite and the sublime, to depict the great emptiness of the North and the vast, greater emptiness of the night sky is to court esthetic disaster, on a grand scale. Those cosmic, after all, belong more properly to the 19th century, when God was still in his heaven, and when man could still confront the transcendental with a sense of conviction. Now, anyone attempting to work within that Romantic tradition risks producing nothing more than gaudy kitsch.

All of that makes the work of 60-year-old Canadian artist Patrice Even that much more extraordinary. Forty-one of his large paintings are played, the first of the past 16 years, are now on view at the Art Gallery of Ontario under the apt title *Phenomena*. The show will remain at the gallery until April 3, moving later to London, Vancouver, Halifax, Ottawa and Calgary.

Ground and scored by roots and hand prints, dotted with stars of his. Even's paintings are not so much landscapes as graphings with various forces of nature. They show solar eruptions and the movement of comets, the winking and winking of the moon and the effects of comets of various shapes and sizes in color but with scarred and pitted surfaces. They are works of immediate authority and stand together as one of the major achievements of Canadian art. Indeed, such is their luminous energy that they make even the best, distinguished, mature artists of the 1990s look pale.

Even's plywood paintings have a hard-won beauty—they do not look as if their creation was ever easy. Just how hard-won becomes apparent from *Phenomena*. Even, the Montreal Native, a second exhibitor represented by Sonia Sorel's Mendei Art Gallery and currently at the London Regional Art Gallery in London until March 13, the exhibition will travel to Windsor, Montreal and Halifax. The show is a piece of solid scholarship by curator Matthew Teitelbaum, who has reconstructed Even's early career from his beginnings as an intense Sunday painter to



Seated Figure (1960), works of immediate authority

his development into an arrogant, if not earth-shattering, abstractionist.

Without knowledge of Even's later achievement, a viewer might be forgiven for thinking that the artist was just another painter among the talented group that worked in Montreal in the 1950s and 1960s. As the catalogue to *Phenomena* points out, for the young Even—the son of a Jewish-born fur-suit-maker-turned-business manager—journeys to escape the claustrophobia of his Montreal family home. As with many of his generation, escape took the form of the Second World War, during which he served in Holland as a machine-gunner.

The war provided him with a veteran's allowance that permitted him to attend first McGill University, then the School of Art and Design of the Montreal Museum of Fine Arts, where he studied with Montreal painters Arthur Lismer and Goodridge Roberts.

The easels from that period are a

study in influences. Seated Figure (1960) is both a portrait of Even's then-principal wife, the dancer and choreographer Françoise Sullivan, and a sensitive homage to the much-older-erred Roberto. Other more abstract influences abound. Even worked among, but was never wholly a part of, such important local groups as the Automatistes—champions of the power of the subconscious, led by the renowned Montreal painter Paul-Émile Borduas—and the more geographically isolated Plasticiens, whose most vocal member is the internationally acclaimed painter Gaëtan Malenfant. Even experimented with a variety of approaches to abstract painting, but there remained in his work strong references to landscapes, as well as an occasional cryptic intensity—evident in a series of small monochrome paintings painted after staying at the night sky.

If Even's work of the 1950s and 1960s never quite resolved itself, it may have been because of the meander time that he was

in reality a part-time painter, supporting his wife and four children by day as personnel manager in a manufacturing plant. By 1966 his marriage had ended, and, racked by increasing self-doubt as an artist, Even was hospitalized for acute depression. After subsequent treatment at the Westmount Veterans Hospital near Lachine, Que., he found himself in 1968 at what

was the country's most vibrant regional art scene.

London then was home to more than a half-dozen artists—including Mark Chambers and Greg Curnue—who were to become major figures in Canadian art.

The effect upon Even seems to have been twofold: it was not until 1991 that, by chance, he found the medium through which he could speak. He began to make

a giant woodcut from a large plywood sheet that as he gazed at the work he realized that the scarred plywood itself should be the ground for the image that was in his mind.



Even intense

The paintings that Patrice Even created in 1974 and 1975 are the most radical that he has made in his life. Works of that period show a distance from the most disparate of materials—metal sheets to represent water, steel chains or strips of tin for lightning, pieces of linoleum for roots, coconut husks for the ground, the head and black tin for the midnight sky. A key work, *Reels Moving in the Corridor of a Storm* (1975), diagrammatically depicts the way storm waves in water using the heaviest of materials—galvanized metal, pieces of locked linoleum and rivets. In their deliberate crudeness, they were works that ran entirely counter to the prevailing hard-edged aestheticism of the day—and they had to wait for more than a decade before they found general acceptance.

It is upon that early group of works that the Art Gallery of Ontario's curator, Philip Mark, has constructed a theory to explain Even's body of work. Mark says that the significance of Even's paintings lies in the way that they were made. The artist himself has on several occasions spoken of an elegant explanation of his unorthodox working methods. The pictures he creates rarely derive from direct observation, but germinate from popular scientific publications, photographs or diagrams. Sometimes an image will haunt him for years before Even decides to attack it. But once that decision has been made, the result on the plywood is positively physical. Even will place the sheet on sawhorses, make preliminary lines with a magic marker, then will trace the surface with a powerful electric router—a machine that makes it so allowances for the thickness of the plywood are made.

For Even, who divides his time between Toronto, where he lives alone, and London, where he

has a studio on the ground floor of a warehouse, the process seems to have something remarkable about it. "Perhaps," he declares in a 1977 interview, "I am risk saying something that only the artist would know or dare to produce, and that is that, once begun, the



Storm over the Pringles (1975) guaranteed metal and tin

work cannot fail. This is so because I make it come out. Some works of comparable size will have taken six weeks to finish, some a year and a half. In those days, but they will emerge from any rotating head at some point and be manifested on the plywood."

Conter Mark presents a carefully dominated approach to Even's art: the dramatic or the important, the psychological sources of Even's chaotically repetitive images—and the hourly symbolic freight that many of them bear. Evenly with anything that smacks of a theory, however, Mark also seems unwilling to consider the sheer painterly richness of Even's latest work. Such a one-dimensional view is contradicted by a series of subtle pictures that Even completed in 1994, after visiting the North. While hardly beautiful, they are in fact the most conventional landscapes that Even has painted increasingly. Even seems to be interested in great atmospheric effects. In *Lord*, in a group of 1987 works that form a diptych to the exhibition—and which includes the romantic *Skip Wreck*—he openly declares himself to be working on the tradition of the sublime that harks back to British painter J. M. W. Turner.

Even is that mountainous running dialogue with the art of the past. Remotely his homage are acknowledged in such titles as *Madre Corvina* (after Giotto the 14th-century Italian master) and *The Great Wave* (homage to Hokusai the recovered Japanese printmaker). For years he has produced his best work for the most mystic landscapes of the obscure American painter Albert Rauhman. In turn, Even has clearly had an influence on a younger generation of Canadian artists who are impressed so much by his independence as by the work.

Long-admired by his peers, Even seems poised to reach a wider audience. The Vancouver Art Gallery organized a major exhibition of his work in 1977, and in 1988 he represented Canada at the Venice Biennale. But even for those who are familiar with his painting, *Phenomena* is likely to provoke a reaction not unlike that inspired by the elemental forces he depicts—something akin to awe.

—GEOFFREY JAMES

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# AN OUTBREAK OF NEWSPAPER WARS

At 8:06 p.m. on Sept. 8, 1984, Marilyn Bell touched the breakwater off Toronto's west-end shoreline and became the first swimmer to complete the 30-mile crossing of Lake Ontario. Awarding the exhausted, disoriented 16-year-old girl was a cheering crowd of thousands, and two ambulances—one hired by *The Toronto Star*, sponsor of the swim, and the other by the rival *Toronto News*—hoped to reach her and the confusion. But Star reporters dashed the unwanted *Telegram* ambulance, bundled Marilyn into their vehicle and drove her downtown to the Royal York Hotel. There, after some corridor fistfights among rival newsmen, she was finally secluded in a Star suite for rest, a medical examination—and her exclusive story. That kind of crowd-busting sensationalism among independent dailies belongs to journalistic history. But the urge to fight has survived, and head-to-head newspaper competition is undergoing a revival in key markets across Canada.

Still, in the 35 years that followed the struggle for Bell's story, the headlines slacked, the stunts were abandoned, and newspaper rivalry dwindled. The aggressive pursuit of advertising revenue by the television, radio and magazine industries in the 1960s and 1970s made it increasingly uneconomical for dailies to fight each other for a diminishing slice of the media pie—and encouraged mergers and chain ownership. Now, only 50 of the nation's 110 English- and French-language dailies—four in Montreal, three each in Toronto and Halifax, and two each in Quebec City, Ottawa, Winnipeg, Calgary and Edmonton—are in competitive markets; the other 60 enjoy highly profitable monopolies. It is against that background that the fights for readers, advertisers and revenue are brewing—and for some of the newcomers the stakes are enormous.

**Go-forth.** Although the principal competitors are in Eastern and Atlantic Canada, almost any degree of success by the challengers of established newspapers could well encourage renewed competition in other sectors, particularly in the monopoly markets of Vancouver and Victoria. But for now, these are the principal battlegrounds:

- In Halifax-Dartmouth, the tabloid *Daily News* has taken on the morning *Chronicle-Herald*, which, with its afternoon sister-paper, *The Mail-Star*, has dominated that market for nearly 80 years. The *Daily News*, launched in 1979, claims that its daily paid circulation has reached 25,826 copies compared to *The Mail-Star's* 24,861 daily total.

- In Montreal, publisher Pierre Plamondon said that he will invest \$55 million during the next five years in *Le Soleil* and *The Montreal Daily News*, which is scheduled to be launched early in March. His chief competitor: *The Gazette*. With a

daily paid circulation of 215,679, that morning daily has monopolized Montreal's English-language market since *The Montreal Star* folded in 1979.

- In Toronto, the country's largest newspaper battle is shaping up between the 50-year-old *Globe and Mail* and the 81-year-old business news weekly, *The Financial Post*. The *Post* is poised to enter the national daily fold this week. Currently, the *Post* reports a weekly paid circulation of 200,000 copies. While tiding aim at the rival *Globe's* daily sales of 324,350 copies, the *Post* will provide limited coverage of entertainment and sports and a general news digest. Instead, its primary challenge is to the *Globe's* prestigious *Report on Business* section. According to *Globe* publisher Roy McQuerry—who refused to disclose the newspaper's earnings—the site accounts for more than half of the *Globe's* yearly revenues.

At the time of Bell's Lake Ontario swim, competing dailies were usually family-owned. Now, however, multimedia shows are involved in the struggle for market dominance. In Halifax, the *Chronicle-Herald* and *Mail-Star*, owned by the Dennis family, are up against the growing media hold-



Toronto Sun newsroom; Financial Post pole boxes (below); head-to-head competition in key markets across the country

ings of entrepreneur Harry Stein's Newfoundland Capital Corp., which bought *The Daily News* from founder and publisher David Bestley in 1980. And in an attempt to reform the paper's reputation for racy writing and often creditable reporting, Stein hired assistant managing editor Douglas MacKay away from *The Winnipeg Free Press* and appointed him editor last year. Said Stephen Kimber, an assistant professor of journalism at Halifax's King's College: "Initially, the *Chronicle-Herald* tried to ignore *The Daily News* but then they were forced to begin following up on issues they could have ignored before."

**Revenues.** Meanwhile, Plamondon's entry into the English-language market in Montreal has pitted Quebecor Inc. against Toronto-based Southern Inc., the owner of *The Gazette*. Quebecor, which owns three newspapers in Quebec, has projected revenues of \$105 million this year. Industry analysts predict that Southern's 1986 revenues will be nearly \$1.5 billion from its holdings of 15 dailies, one financial weekly and printing, books and communication divisions. But Plamondon is not shuddering at the risk of his new venture alone. British publisher Robert Maxwell, the owner of London's mass-circulation *Daily Mirror*, has what Plamondon describes as a "major minority interest" in the *Montreal Daily News*. To protect that interest, *Mirror* designer John Hill helped design the *Daily News*.

Still, Plamondon acknowledges that he has fared badly in earlier ventures in daily newspapering. Five years ago, he bought *The Winnipeg Sun*, which has yet to make a profit with a paid daily circulation total of 45,666 copies. But Plamondon predicted that the newspaper will generate a

profit this year. He also lost money when he launched a daily tabloid, the *Philadelphia Journal* in 1977. That publication folded four years later and cost him \$34 million. Despite those poor returns, Plamondon said that in Montreal the enthusiastic response of advertisers had made him optimistic about the chances of *The Montreal Daily News* surviving. Asked Plamondon "I am not trying to knock off *The Gazette*. What we are offering is an alternative: a junior, faster-reading newspaper."

Still, late last month, *Gazette* managers began their counteroffensive. They announced that *The Gazette* would begin publishing a Sunday edition—on Feb. 28, only days before the first edition of the *Daily News* is scheduled to roll off the presses. Said publisher Clark Gower, who noted that *Gazette* officials had been planning such a venture for more than one year: "We are trying to close up any opportunity for a new paper to build a base on the empty Sunday."

**Struggles.** Still, the Halifax and Montreal rivalries pale in comparison to the nationwide struggle that looms between *The Globe and Mail* and *The Financial Post*. Behind the two contestants are powerful owners: Toronto-based Thomson Newspapers Ltd., with projected revenues of \$1.4 billion this year, owns the *Globe*, and behind the *Post* is The Toronto Sun Publishing Corp., with 1986 revenues estimated at \$677 million. Sun Publishing is 70 percent owned by Maxwell's Hatter Ltd. (which also owns *Mirror*). That corporation's 1986 revenues could reach \$1.5 billion—although company officials refused to confirm that figure.

The two men at the centre of the business publication



were the Globe's McGarry, son of a Northern Ireland laborer, and Post president and publisher Neville D. Stanswell. He is the Australian-born son of a cab owner, and came to Canada as a deckhand on a freighter 35 years ago. McGarry, 52, quit school at 15 to help support his working-class family. He migrated to Canada from Belfast at 19 and went to work as a clerk.

At the high-tech firm Honeywell Controls in Toronto, Stanswell earned his certification as a management accountant, and, at 26, he became controller of Honeywell. McGarry later spent five years as vice-president for corporate development at The Toronto Star and became publisher of The Globe and Mail in 1978.

**Challenge.** Now, facing one of the greatest challenges in his tenure as Globe publisher, McGarry said that the Post's entry into daily journalism had not surprised him. Declared McGarry: "They have been talking about for the last five or six years. But it's not as much this challenge as the fact that if The Financial Post fails in this effort, somebody else is going to move along a year or two later to try the same thing because our success has become increasingly obvious, and that is going to attract competitors." McGarry noted that the Globe has already hired, used and steadily added pages to the Post during the past six years in anticipation of competition. Declared McGarry: "That has changed the nature of our paper. But make no mistake about it: we are committed to the belief that businesses need more than just news about business."



Financial Post: plans for a jazzier newspaper alternative

McGarry said that the fact that Stanswell had singled out the Post for direct attack did not surprise him. "It would be a bloody fool if he didn't," said McGarry. "But we have the lion's share of the market, and you had better believe that we plan to keep it. The Post better have a big, big backstop because for them it is going to be a long uphill battle."

Stanswell agreed only that it would be a battle. "What we are talking about here is a newspaper war in the quality market," he said. A native of Perth, an western Australia, the 50-year-old Post publisher had a grandfather who left farming in Manitoba and "went to Australia looking for gold, what he found was my grandfather." His other grandfather helped pay for his education with his winnings at the racetrack, where, Stanswell said, "he made a lot of money." In 1986, Stanswell signed as a deckhand on a Norwegian freighter, signed off in Vancouver and went to work in the Alberta oilfields. He applied later that year for a job with The Financial Post, which told him to re-apply when he had more experience. Stanswell then became a reporter for The Canadian Press and persuaded the Post to hire him in 1990—two years before the Globe launched the Report on Business.

After rising the way up to the position of editor-in-chief, Stanswell became publisher in October, 1988. And one year later The Toronto Star Publishing Corp. announced that it had purchased the Post from its majority shareholder, Madison Hunter, and would start a daily edition in 1988. That marriage, Mak-

ing the conservative, business-oriented Post and the brash and sexy Toronto Star, whose photos of scantily clad "Sunbathes Girls" had become the tabloid's hallmark, has prompted Post editor John F. Godfrey, former president of King's College in Halifax, to say that "ver T and A will be Tilted and Acquisitions."

**Glaze.** To Stanswell, the association is ideal. "We're going to get the tradition, the class and the authority, and the Star has the entrepreneurial drive that will add a lot of vigor." And he foresees "one heck of a fight" with the Globe. Said Stanswell: "We're not going in there to knock out a general daily newspaper. People are still going to want the Globe for its general news, sports, fashion, entertainment and so on. We are going in there to take away readers of the Report on Business and some of the advertising and market, too. We want the non reader to read as fast. But to say that somebody is going to knock somebody else right out of the ring is something else."

**Demand.** According to Stanswell, Toronto's explosive development as a financial centre during the past 10 years and the growing demand for business and economic news influenced the Post's decision to launch a daily edition. Said Stanswell: "People are better educated. Now know that when corporations go out and buy gold, something is happening."

Initially, the Post will deliver the daily to subscribers' homes in Metropolitan Toronto before 6 a.m., Tuesday to Friday. The staff will also have the weekly edition ready

for Toronto home delivery before 6 a.m. on Saturday. The newspaper will also be on newsstands on the day it is printed in Montreal, Edmonton, Vancouver and 15 other cities—and in the future Post executives plan to use satellite printing to produce copies for home delivery in those cities. Said Stanswell: "We have always preached competition in our editorial and now we're practicing it." He maintains that since the Post announced its intentions last fall to go daily, coverage had improved in



Stanswell: class circulation, new design and a major minority interest

both the Globe's size and the other national weekly business newspaper, The Financial Times of Canada, which recently underwent a complete redesign.

**Bankroll.** The Financial Times, with a paid circulation of 106,000 copies, is published by Southam—but the chair's bankroll has not persuaded it to join the competition for daily readers. Said John MacIntosh, the Times's deputy publisher and editor-in-chief: "The Financial Post in going daily is going to have to divert some of its energy and attention away from the weekly paper. To the extent that that happens, it

presents us with an opportunity to put a lock on the weekly market. So we say, 'Firm, fight it out.'" The Times, he added, has begun the greatest promotion in its history, including a television advertising campaign, and hopes to push its circulation to 200,000 in three to five years.

As to who would likely emerge victorious in the daily business field, MacIntosh said: "There is no doubt in my mind that the Globe will win because they can afford to

## BLACK'S EXPANDING EMPIRE

While Toronto financier Conrad Black began building his newspaper-publishing empire more than two years ago, industry experts worried him that eventually circulated British dailies were either low-profit or non-profit ventures. Unfazed, he promptly purchased control of the London-based Daily Telegraph. Later, experts advised him that most American dailies, with fewer than 30,000 subscribers, were difficult to manage and not very profitable. But Black ignored the warnings and now owns 44 such papers. Similarly, English-Canadian newspapers, traditionally avoided buying French-language papers. Yet in June, 1987, the bilingual Black acquired Montreal-based *Unifrance* Inc., publisher of three French lan-

guage dailies and 30 weekly Quebec-based papers. "I am not a professional economist," Black told *Weekend*. "We have a policy of buying papers that fit our plan."

Although he now controls a diversified group of publications through Toronto-based Hollinger Inc., Black has consistently brought unexpected but potentially lucrative assets. And he has moved quickly since selling off Hollinger's interests in farm machinery, manufacturing, grocery stores, broadcasting and oil and gas. In 1986 he purchased a controlling interest in the *Daily Telegraph* for \$86.7 million and paid \$36 million for 22 American dailies.

Since last year Hollinger has acquired another 28 U.S. dailies, spent

\$70 million to purchase *Unifrance*, and bought Saturday Night, Canada's oldest surviving general-interest magazine, for \$1.4 million before spending \$1 million for a 15-per-cent interest in *Unifrance*. Black told *Weekend*: "Post-Hollinger also owns Vancouver-based *Starline* Newspapers Ltd., a chain of nine dailies founded in 1972 by Black and two friends, Peter White and David Radler, both of whom are now Hollinger executives."

The flagship in the empire is the *Daily Telegraph*, a perennial money-loser which Black says began earning up to \$1 million a week last fall. The turnaround occurred partly because the number of production workers was cut to 10 from 1,670. He said, the *Telegraph's* circulation, which was already the largest in Britain for a broadsheet newspaper, rose by about 30,000 last year to hit almost 1.2 million daily.

Black said that the paper's circulation within the United Kingdom can grow even more dramatically because most of its current subscribers live in and around London.

Black said that he has focused on small dailies with circulations of 5,000 to 15,000 because they have been overlooked by the established newspaper chains. As a result, the papers are available at takeover prices, which are very favorable in relation to their annual revenues.

In some cases, operating costs have been slashed by printing several papers on one press. Black says that those

papers are a group now now making a profit.

In Quebec, Black has said 16 of *Unifrance's* 20 weeklies and some of its distribution operations. He will keep the daily newspaper—*Le Soleil* in Quebec City, *Le Devoir* in the Ottawa-Hull region and *Le Quotidien* as *Chocoma*. *Le Devoir* has been a chronic money-loser, but the other two have been profitable, he said. And they were available at the right price. Black said that he bought the papers for the equivalent of 30 to 50¢ times their annual cash flow. By comparison, similar English-language papers would have cost

two times their cash flow, Black added.

Some observers have predicted that he will eventually use his newspapers and magazines to spread his own right-wing conservative economic and political beliefs, but Black describes such notions as "absolutely untrue." He said that his editors are given a free hand to make editorial decisions. Indeed, Saturday *Mail* editor John Fraser, a former *Telegraph* and *Mail* foreign correspondent, said that he wrote a clause in his own employment contract which gives him total editorial control. And industry observers say that as long as Black has a corporate plan, he is likely to continue beyond his present disregard of their editorial philosophies.

—FARCY HENNE in Toronto



Black: on the march

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**mazda**



Boons, associate Roger Jelouet (right) the knife crashed into the broccoli

### TRENDS

## A classic comeback

In the early 1970s a new approach to cooking emerged in France, characterized by small portions of lightly cooked foods artfully arranged and basted in simple sauces. Nouvelle cuisine—the new style of cooking—contrasted markedly with classic French fare and its generous helpings of meat and vegetables smothered in chink, rich sauces—and it revolutionized the cooking methods of chefs in France and abroad. But over the past two years several leading French chefs and food writers have pronounced a return to traditional cooking. In its 1988 edition, *The Classic French Food Guide*, for one, declares, "Everyone admits that nouvelle cuisine is dead."

At its best, the new style of cooking treated the palate to sensational fevers resulting from exotic combinations of food: raw, thinly sliced meat, such as duck breast, seared blood with a tangy fishbait sauce and a garnish of tender crisp snap peas and fresh mango. At its worst, the new style of cooking seemed like a bad imitation of marine cuisine—dietary cooking—with which it was often associated, lots of raw seafood served over a large plate, with fruits and vegetables begged on to excess. Lyons restaurant Paul Bocuse once said in a celebrated comment, "My latest meal in Paris made me think that a handful of liver fruits has crashed into a soup full of broccoli."

The demanding appeal of the new style of cooking, according to leading critics, has led to a powerful revival of

regional French cooking, reflected in such classic peasant dishes as *boeuf bourguignon*—beef stew in red wine sauce. But, according to Christian Millau, the co-founder of the leading Paris food journal *Gault Millau*, which popularized the term "nouvelle cuisine" in 1972, the trend back to regional cooking preserves the best of the new style. Declared Millau, "What is 'out' is imitation nouvelle cuisine, which fell victim to its excesses. Thankfully, the greatest article lives on."

Indeed, chefs who prepare regional dishes will favor light cooking methods over the lavish use of oils and butters and flour-based sauces. Said British-based food critic John Hellen, "Nouvelle cuisine has changed everyone's way of looking at food." Acknowledged Jacqueline Boyer, spokeswoman for *Maison*, a restaurant in Paris: "Our menu is lighter and more daring than 15 years ago."

But, most experts say that they doubt whether regional French cooking will travel much beyond France's borders. "The new cuisine," said Millau, "is that it will incorporate the best of nouvelle cuisine in its journey. The French always preserve the essential from a true revolution." Indeed, he added, chefs in other parts of the world might do well to follow the French example and apply the "modern know-how" of the new style of cooking to enhance their own regional specialties.

—PETER LEWIS in Paris





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## BOOKS

# Phantom of the theatre

THE LIFE OF KENNETH TYNAN

By Kathleen Tynan  
(Memorial Edition)  
\$97 pages, \$34.95

For many theatre-lovers, Kenneth Tynan's death, often made worse by George Bernard Shaw's line he was native Britain, Tynan, who died in 1980 at 53, remains most famous as the originator and producer of the sexually explicit musical *Oh! Calcutta!*—and as the intellectual who first said the *F-word* on television. These widely varying reputations somehow catch the charismatic breadth of Tynan—journalist, friend of the famous, man of the theatre and provocative non-conformist. Since Tynan's death, his memory has slipped. But this is likely to change with the publication of a compelling new biography, *The Life of Kenneth Tynan*. The author is Tynan's second wife, Kathleen, 50, daughter of the noted Canadian war correspondent Matthew Fisher and sister of CBC political correspondent David Halton. Despite her closeness to Tynan, she has written more than a easy memoir in her hands the prodigiously talented and complex man comes remarkably to life.

The great secret of Tynan's early years was illegitimacy. Born in Birmingham in 1927, he was the son of a well-to-do businessman and politician, Sir Peter Peacock, who had abandoned his family to live secretly with Tynan's working-class mother, Rose Tynan. When Tynan discovered the duplicity in 1946, the shock awakened a lifelong sense of insecurity. Tynan was one of those people, so common in the theatre world, whose fundamental lack of identity drives them to constantly reinvent themselves. Despite his early history, he liked to say that he was "born" at Oxford University. He was also theatrical in his person even as an established critic, he dressed outrageously, wearing leopard-skin suits around London.

Indeed, Tynan would have been simply as clever as his had it not been for his steel-trap intelligence. The theatre critic he wrote for the British Sunday Observer newspaper, *The New Yorker* magazine and other publications is still entertaining—especially when he is attacking a poor performance. Reviewing Vivien Leigh's 1956 appearance in Shakespeare's *Titus Andronicus* in Stratford, England, he declared, "She assumes the view that she is about to be ravished on her husband's corpse with wild noise that the wild atmosphere of

one who would have preferred foam rubber."

Much more than a critic, Tynan was also the cofounder, along with Sir Laurence Olivier, of Britain's National Theatre in 1963. But despite such an achievement, Tynan considered himself a dilettante and a failure. Kathleen Tynan

an's account of his last years makes sad, although gripping, reading. Slowly succumbing to death from emphysema, the once-charming Tynan grew increasingly cynical and treacherous. But he had crunched several lifetimes' worth of pleasure, controversy and sheer malice into his 53 years. With its intimate detail, its spellbinding gossip about the entertainment world and its genuine appreciation of a brilliant man, *The Life of Kenneth Tynan* is nearly as seductive as the man himself.

—JOHN BERNHART

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## FILMS

# Exiles, lovers and other strangers

THE UNREPAIRABLE LIGHTNESS OF BEING  
Directed by Philip Kaufman.

**T**omas (Daniel Day-Lewis), the Czech brain surgeon in the splendid movie version of Milan Kundera's *The Unbearable Lightness of Being*, is a man who tries to separate having sex from the emotional entanglement of love. With his longtime occasional mistress, the artist Sabina (Lena Olin), he can experience life manually—as a vague blur that is enjoyable as long he remains detached. Sabina, too, remains unattached to people and things, except for a bowler hat that once belonged to her grandfather. She is the opposite of Tomas (Juliette Binoche), a waitress whom Tomas finds languishing in a dull spa town—and who becomes the first woman to begin to penetrate Tomas's emotions. The world weighs heavily on Tomas, but Tomas, too, comes to experience the burden of existence when, on August 20, 1968, Soviet tanks roll into Prague.

Czech writer Kundera, who has lived in exile in France since 1975, wrote about different kinds of disorientation in his novel. Tomas's pleasant, untroubled detachment, as well as the sense of rootlessness experienced by those who are forced to leave their country and end up seeking nowhere (like the painful book on which it is based, the film is about exile. The director, Philip Kaufman (*The Right Stuff*), first depicts the reason from Tomas's room, where wise glasses mysteriously begin tinkling late at night. Then the camera moves outside to a single tank rumbling down a narrow Old World street. The Prague riots that follow, in which Tomas and Teresa become involved, have the exciting immediacy of personal politics. Like so many Czechs—and like Sabina before them—Tomas and Teresa flee their country. When Teresa visits Sabina in Geneva, he tells her that his grandfather's bowler hat makes

him want to cry. The pleasant lightness of detachment has left him.

The life of an exile is somewhat easier for the independent-minded Sabina, for whom the Soviet invasion is a further example of what she calls "the uglification of the world." But when Teresa finds Tomas no more emotion-



Olin, Binoche: riots, a rumbling tank and grandfather's bowler hat

profiling medicine, he becomes a window-sucker. Then Sabina and Teresa retire to the country to live out what happens there.

Working from a screenplay that he co-wrote with Jean-Claude Carrière, Kaufman has jumped nearly all of the hurdles of living Kundera's difficult book. Lasting at most three hours, the film is certainly overly long and does have its indulgences. But Kaufman creates a sense of astonishing intimacy between the characters he has felt Kundera's story in addition to understanding it. And he finds a visual equivalent for the Czech author's notion of lightness he has shot many scenes through frosted windows and from under water, in steam and fog and—in the film's memorable and final image—through a rain-struck truck windshield. It is as though life were a kind of dream, undefined and evanescent. And in

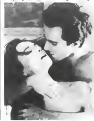
ally attentive in Geneva than he was in Prague, she returns to Czechoslovakia with their dog. Tomas follows her home, where he is persecuted for an anti-Communist article he had written some years before. Forbidden from

*The Unbearable Lightness of Being*, happiness is something that arrives unexpectedly, like an image in a dream, and departs as quickly.

The film's superb performance carries Kundera's complex ideas. As Tomas, a man for whom a woman's flesh is the only comfort in an unstable world, Day-Lewis acts in an utterly convincing, understated fashion, never veering from his character's single-mindedness. With her grandfather's hat peeked rakishly over one eye, Olin's voluptuous Sabina is a portrait of a vivacious survivor who becomes attached to people despite her best efforts. And the apple-cheeked, girlish Binoche is both a ravishing and tormented Teresa.

The movie beautifully portrays the three characters' longing—for love, friendship, professional satisfaction and, most of all, a place in which to belong. These desires feed as voraciously as a hunger held by a string in a child's hand—as light that they could easily float away.

Olin, Day-Lewis: satisfying intimacy



—LORRAINE OTTOLE



Johnson (foreground), Myers in a rare role of temptress and death that shocked Stille

## OPERA

# Fury of sex and murder

A raw story of lust and violence, *Lady Mouchet* of Moscow by Russian composer Dmitri Shostakovich is one of the most controversial operas ever written. The 1934 work offended Communist leader Josef Stalin and was banned in the Soviet Union until 1962, when it reappeared in a sanitized version. Aside from providing a fascinating case study of the relationship between art and politics in a totalitarian state, the opera's daring content and style make it an important reference in 20th-century music. And with its first appearance in Canada in a small footnote in the shrouded history of the work, it is a significant step for the Canadian Opera Company, which is currently reworking *Lady Mouchet* in Toronto. Although flawed, the production shows the opera to be a masterly piece of music theatre and storytelling.

*Lady Mouchet* is set in 1850s Russia and tells the story of Katerina Ivanovna, the unhappy wife of an important merchant. Married incessantly by her father-in-law, Boris (Carsten Ophoff), and seduced by her marriage, Katerina (Mary Jane Johnson) embarks on a risky, passionate affair with a new workman, Sergey (Michael Myers). When Boris discovers their affair, Sergey flogged, she poisons her father-in-law and later, with Sergey's help, strangles her husband. The two lovers are soon caught and banished to Siberia. Then, Katerina learns of Sergey's

affair with another woman and borls herself—and his new mistress—to death in a flaming Siberian river.

Music historians say there is little doubt that the vulgar nature of the opera—particularly the bawdy, rhythmic orchestral sounds that accompany Katerina and Sergey's doomed coupling—shocked the puritanical Stille, who is known to have attended a Moscow performance. An article in *Pravda* after Stille saw the work described *Lady Mouchet* as "degraded, the crudest kind of savagism," and assailed its "deliberately disgusting, confused flow of sounds." But for modern audiences, Shostakovich's truly expressive score is remarkably sensitive. And the opera company's production brilliantly captured the opera's shifting moods, from biting satire to tenderness.

The production, while full of verve, was less successful. The crew of a successful *Lady Mouchet* rests with Katerina. And while American soprano Johnson possesses a rich, supple voice, she looked too wholesome an American—as far away from Siberia in tenor as Minnesota is from Moscow. Still, Myers brought dash to his role, and the strong singing of other performers helped make the opera above such shortcomings. Certainly, the Canadian premiere confirmed *Lady Mouchet*'s status as one of the 20th century's most powerful works of music theatre.

—ROSE PEARCE

## MUSIC

# The day the music died

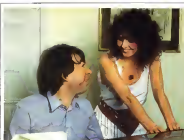
For the Vancouver Symphony Orchestra, the curtain came down before the music even started last Tuesday, as the 84 musicians lined up in the rehearsal hall prior to a pop concert, symphony officials announced that the 700 was holding. Faced with a \$1.7-million debt, the orchestra, which has been in existence for 59 years, could not continue. The musicians played their final concert and some cried as they performed *O Canada* together for the last time. Violist Daniel Nooton later said, "We don't know where we'll go or what we're going to do."

By week-end, the orchestra's musicians had decided to lobby all levels of government for funds. But that only underscored the problems that have plagued the symphony since 1980. That year federal, provincial and municipal grants and corporate donations reduced the orchestra's deficit to \$1.5 million from \$2.5 million. Then, last fall, attendance plummeted to 51 per cent from near-capacity audiences a decade ago. And a campaign to sell 30,000 tickets for this season, opening Dec. 10, had only sold 15,000 by last week.

Conductor also carried over the 1985 appointment of music director and principal conductor Rudolph Barshai, a Soviet émigré, who arrived amid a contractual dispute over wages between the symphony's musicians and management. The conductor's Barshai proved to be unpopular—despite taking a salary cut to help the symphony through its financial difficulties. Last February more than half the musicians recommended to the orchestra's board and management that he be ousted. And by October the orchestra's board of directors decided not to renew Barshai's contract for the 1988-1989 season. Said board member William Bequith: "In Vancouver you either have to have a star on the podium or someone who can sell the orchestra. He just couldn't do it."

Following the suspension of operations, orchestra musicians expressed nonrecognition in their board as impotent. Says Muscoville, the city's cultural community may face another crisis. Last week the during artistic director of the Vancouver Opera Company, Brian McManus, announced that he was resigning at the end of the 1986-1987 season. The reason: low attendance.

—JANE O'BARA in Vancouver



Webber, Brightman (above) Crawford \$250 tickets and a deeply erotic mood

## THEATRE

# The phantom's new haunt

Most available tickets are for next Christmas at the earliest. Even for preview that preceded the official opening, scampers outside Broadway's Majestic Theater were getting as much as \$250 a seat. By the time the curtain went up last week on the New York production of *The Phantom of the Opera*, the British musical was a colossal

hit—with a record \$21.7 million in advance ticket sales. And despite the unprecedented level of hype surrounding the opening, *Phantom*, with its dazzling staging and soaring orchestration, measured up to at least some critical expectations. Said New York Post critic Clive Barnes: "Unless someone is expecting to see the second coming, they're not going to be disappointed."

In fact, audiences greet new musicals by Andrew Lloyd Webber with wild enthusiasm. Over the past decade the British composer has brought a string of hits to Broadway, including *Evita*, *Cats* and *Starlight Express*. The last two of which are still drawing crowds in New York. Some theatregoers even credit him with single-handedly reviving the Broadway musical, bringing energy and modernity to a dying theatrical form. Indeed, his work now accounts for three

of the seven big musicals that are making this Broadway's best season in five years.

Still, Lloyd Webber has his share of detractors. With *Phantom*, the American Actors' Association, the union that represents U.S. stage actors, had originally charged that he had

stolen the British wife, Sarah Brightman, in the starring role of the opera singer, Christine. After a 1982 agreement with his British equivalent that restricts most performers from taking leading roles across the Atlantic, tried to prevent Lloyd Webber from hiring her—until the composer threatened to cancel the opening. And many theatre reviewers say that his music is too derivative and

has shown too reliant on rock-concert-style special effects.

The tale of a deformed musical genius who stalks a beautiful young singer in the Paris Opera House, *Phantom* is based on the 1903 novel by Gaston Leroux. The British production of the show opened in October, 1986, and is still running, originally starring Brightman, as well as Michael Crawford in the title role, and yielded a best-selling sound track. The New York production's

high sets and shadowy lighting evoke a deeply erotic mood. And spectacular staging allows the audience to follow the Phantom and his descent deep into the bowels of the opera house and secure a nasty underground lair to his lair.

While many critics have been impressed by Brightman's lavish sets and the stagecraft of director Harold Prince, some have said that the production relies too heavily on spectacle and spectacle. The influential New York Times critic Frank Rich wrote that the lair set suggested "Satan's vision of hell." The enormous overhead chandelier, which the Phantom uses marking to the stage just before intermission, contains thousands of crystal beads and took more than six months to build. With production costs of more than \$10.2 million, it will take 40 weeks of nightly crowds for the play to break even.

*Phantom* seems destined to easily match the success of *Cats*, which is now touring in 11 productions around the world. The excitement generated by the New York opening alone suggests that *Phantom* will become as much a merchandising bonanza as a box-office smash, with T-shirts, records and plastic masks—like the one worn by the phantom—selling briskly in Times Square. But these prospects will only reduce many critics' conviction that Lloyd Webber is foremost a commercial phenomenon rather than an artistic one. For the composer, universal acceptance is still as elusive as the happiness created by the tormented phantom.

—LARRY BLACK in New York City

## MACLEAN'S BEST-SELLER LIST

### FICTION

- 1 *Backhouse*, Neil (3)
- 2 *The Sandcastle*, King (3)
- 3 *Baran*, Ashford (3)
- 4 *Brown and Red*, Jakes (3)
- 5 *Presumed Innocent*, Turner (3)
- 6 *Big Money*, Franco (3)
- 7 *Waterworld*, Barker (3)
- 8 *Paradise Island*, Clancy (3)
- 9 *Winter*, Douglas (3)
- 10 *The Bookies of the Valley*, Wright (3)

### NONFICTION

- 1 *Time Flies*, Gault (3)
- 2 *Cassius of the Wilderness*, Mowbray (3)
- 3 *Memorabilia*, Starns (3)
- 4 *Agavefruit*, Wright (3)
- 5 *Illustrated History of Canada*, edited by Brown (3)
- 6 *Greenpeace*, Greenpeace and Jones (3)
- 7 *Friends in High Places*, Roy (3)
- 8 *Wings*, Kewitt (3)
- 9 *Canadian Flight Cookbook*, Ferguson (3)
- 10 *Shaw*, Shaw Ferguson (3)

(3) Fiction best week

Compiled by Brenda Webber

# The phantoms of the hustings

By Allan Fotheringham

**T**he current rage on Broadway, to the scapists' delight, is yet another London transplant. The *Phantom of the Opera* is closed last week to a \$20-million advance sale, and if you want good tickets start thinking 1999. You may wonder how Andrew Lloyd Webber, the current king of box-office hits, can make a musical out of this gritty tale. But a chap who set the *Service* to tune *Jesus Christ Superstar* and made beautiful music about the wife of an Argentine despot (*Evita*) is capable of making anything. Next... the Holocaust?

Actually, there is an explanation for the Macabre fascination for this old horror about a disfigured phantom (played by Len Osovsky) in a silent film and Claude Rains in a later version) who lurks in the seamy hole upon which the Paris Opera is built: love, raw flesh and audacious thespians. There is at the moment a horror show going on in America. The electorate wants to be seduced. But it can't find the proper seducer.

Looking somewhere in the subterranean depths of the political system is a man who is going to be the next president come Nov. 8. Desperate as it is, this electorate cannot discern anyone who is capable of capturing its heart. There are 13 guys floundering in the lake of the subconscious, but they're mostly dripping wet and none of them can find the ladder. There are all the old-time chaps: Clinton, Dukakis, the Democratic contenders. No one is able to emerge from the pack. There are candidates whose names cannot be remembered, let alone spelled. There is a guy called Dukakis, who could win it all. The only problem is that he is one-armed. Mussolini, whose he is governor—had one heard of him until a few months ago. He is very efficient but (surprisingly for a Greek) is bloodless and evades as gaudies. He reminds you of the definition of an assassin as a guy who is good at numbers but doesn't

Allan Fotheringham is a columnist for *Stedman News*.

have the personality to be an assassin. Dukakis strikes you as an assassin-in-waiting.

There is a bloke called Gephardt, who doesn't seem to be running for president so much as running against Japan. He is the Protectionist Candidate. Japan-bashing is very popular. After all, all they do is make better products for less money. Gephardt's main platform is that a Chrysler that costs \$10,000 in the United States costs \$48,000 in Korea. His blonded haircuts cost more than his platform.



There is a chap called Simon, who is trying to regenerate Harry Truman. He is called "Bingocrazia" with a bow tie. One of his other rivals is called Rahbar, an intelligent man who somehow decided to run for president before discovering that television is somewhat involved in the process. His platform is a camera in a tin as a weapon from outer space. There is a chap called Hart. Nuff said. There is a peevish fellow called Jackson, who has never held elective office and wants the first one to be the presidency. There is a fellow called Gary, who is 38, looks like Clark Kent and wants to be president, which is another form of clasp. He is the candidate of the South, from Tennessee, and when Jackson claims to represent the South Gary says, "Yeah, South Chicago," which is where Jesus resides. He might surprise.

On the Republican side of the lake, there are at least two recognizable swimmers, though neither one is a

Johnny Weissmuller. The tough guy is named Dole, though his recent boasts about having been raised in poverty have been somewhat violated by the income-tax revelations that he married a rich lady. The pseudo-tough guy is called Bush, and his most recent claim to fame is that he lost up at Dan Rather. It is not clear whether this should be the main qualification for making it to the White House.

There is a former Buffalo Bills quarterback called Kemp, whose iq, it is claimed, is the same as the number on his football jersey. There is a die Post,

Pierce (it is to be exact, who tries to call himself Pete and whose main platform is compulsory drug tests for all teenagers. (What about adults?) There is an old general called Fields, who has thrown his helmet into the ring and admits that the main reason he is in this is to bug Bush, which isn't hard. This is not exactly Churchill's league.

There is another person called Robertson, who is one of these TV shills who seems only slightly more truthful than Jimmy Bobbin, since he has had some trouble with his marriage date, his military record and other sundries. His position on acid rain is not known.

It is a melindrea complete, just as good as the rats of the *Phantom*. There is not the familiar prospect of a showdown between big names. No apparent Kennedy-Nixon confrontation here. Or Carter-Rogers. Or Reagan-Mondale. It is quite realistic that any one of these 13 guys could hold the most powerful position on earth in nine months.

The seduction process has not worked. The voters are still batting their eyes, more in confusion than cynicism. A salty chap called Cuomo may yet match the prize, and my man Bradley could still be seduced at the last minute, when all else fails. But it's somewhat sad to watch the expectant public looking for a saviour, a bodice-ripper, to appear. Yet no phantom escapes from the murky lake, and we're approaching the final act. The prize is there to be taken, and the audience, so far, is quite disappointed.



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